

**Township of Bloomfield, Essex County**

**Master Plan Housing Element  
and Fair Share Plan**

*Prepared For:*  
*Mayor and Council*  
*And*  
*Bloomfield Township Planning Board*  
*Township of Bloomfield, New Jersey*

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The original of this master plan was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Our Project Number 080166601

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COAH Petition Application including:	
-Planning Board Resolution Adopting the Housing Element and Fair Share Plan	
-Governing Body Resolution Petitioning the Housing Element and Fair Share Plan	
-Service List	
-2008 Bloomfield Township Master Plan Reexamination Report (submitted as part of COAH Application, not on-file)	
-Worksheet A	
-Supportive and/or Special Needs Housing documentation	
-Draft Inclusionary Zoning Ordinance	
-Draft Escrow Agreement	
-Draft Development Fee Ordinance	
-Draft Spending Plan	
-Draft Resolution Designating a Municipal Housing Liaison and Draft Ordinance	

## I. INTRODUCTION

Pursuant to the Municipal Land Use Law (40:55D-28.b(3)), a Master Plan, where appropriate, may contain a Housing Plan Element. Pursuant to Section 10 of P.L. 1985, c. 222 (C. 52:27D-310), a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.

The previous Housing Element and Fair Share Plan of the Master Plan of the Township of Bloomfield was last revised in 1995. This plan addressed the second round fair share obligation assigned by the Council on Affordable Housing (COAH). The 1996 Fair Housing Plan was subsequently formed to establish a basis for a fair housing policy. COAH granted substantive certification to the 1995 Housing Plan. Subsequently, Bloomfield Township was granted extended substantive certification, which expired on December 20, 2005.

COAH adopted new substantive rules (N.J.A.C. 5:94), which became effective on December 20, 2004. The Township never petitioned COAH for third round substantive certification, and the Township's certification expired.

COAH's third round regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007). On May 6, 2008 COAH adopted revised Third Round regulations in response to the Appellate Division Decision, and became effective on June 2, 2008.

This 2008 Master Plan Housing Element and Fair Share Plan addresses Bloomfield's Third Round housing obligation pursuant to latest third round rules known as Chapters 96 and 97 of the New Jersey Statutes Annotated (N.J.S.A. 5:96 and 5:97).

### PLAN REQUIREMENTS

Pursuant to Section 10 of P.L. 1985, C. 222 (C:52:27D-310) a Housing Element must contain at least the following:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing , for the next ten (10) years, taking into account , but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;

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- e. A determination of the municipality's present and prospective fair share of low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low and moderate income housing;
- f. A consideration of the lands most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;

In addition to the requirements of the Municipal Land Use Law and Section 10 of P.L. 1985, C. 222 (C:52:27D-310), N.J.A.C. 5:97-2.3 requires that the Housing Element include the following:

- 1. The household projection for the municipality as provided in Appendix F;
- 2. The employment projection for the municipality as provided in Appendix F;
- 3. The municipality's prior round obligation (from Appendix C);
- 4. The municipality's rehabilitation share (from Appendix B);
- 5. The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4; and
- 6. An inventory of all non-residential space by use group that was fully vacant as of the date of petition, to the extent feasible.

Supporting information to be submitted to COAH shall include:

- 1. A copy of the most recently adopted municipal zoning ordinance, and
- 2. A copy of the most up-to-date tax maps of the municipality, electronic if available, with legible dimensions.

Upon adoption of this document by the Township of Bloomfield Planning Board and its endorsement by the Mayor and Council, this document will be deemed to replace the previously adopted housing plan element and fair share plan. Subsequently, this Housing Plan Element and Fair Share Plan is intended to be filed with COAH along with a petition for substantive certification.

## II. HOUSING ELEMENT

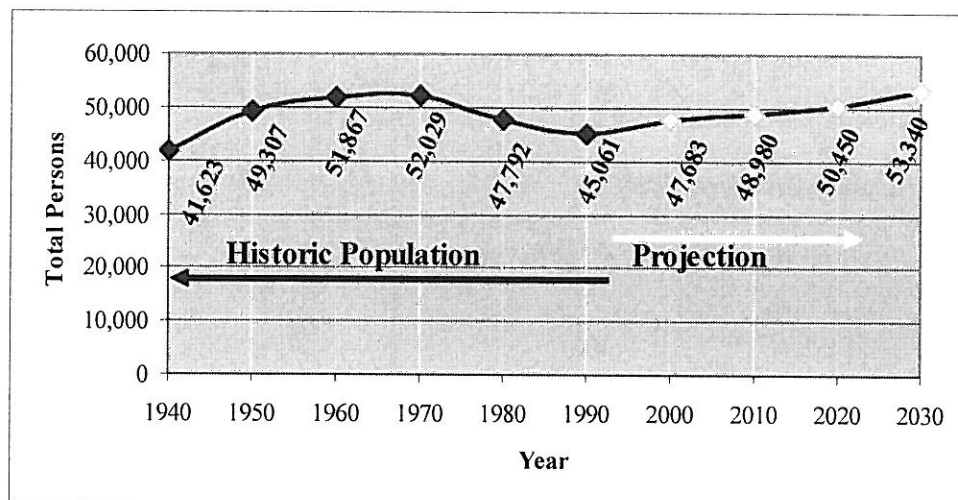
The Housing Element provides an inventory of Bloomfield Township's housing stock, and an analysis of the Township's demographic and employment characteristics.

### DEMOGRAPHICS

#### **Population**

The 2000 Census recorded a total population of 47,683 in Bloomfield Township. This reflects an increase of 2,622 persons since 1990; a population increase not seen in Bloomfield since the 1970 Census when the Township reached its population peak of 52,029. The 1990 population in Bloomfield was the lowest recorded figure since 1940. Forecasted population growth to the year 2030 is modest, with an anticipated total population of 53,340 persons. The following graph illustrates historic total population figures recorded by the US Census as well as the latest population forecast adopted by the NJTPA.

**Bloomfield Total Population, 1940 to 2030**



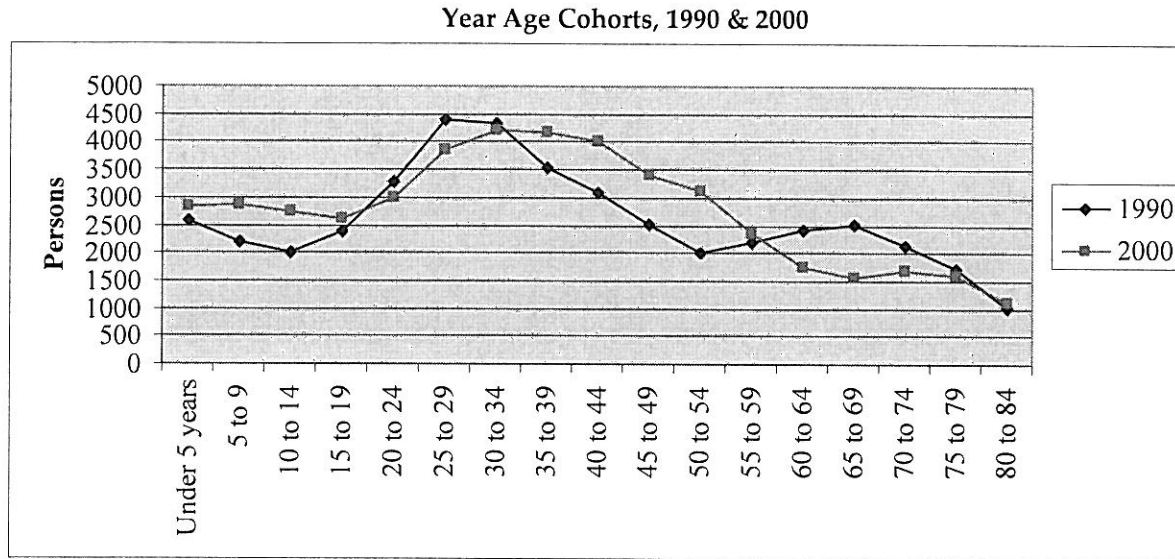
Periodically, the Census Bureau publishes estimates of population and households, which extend beyond the last official Census. The latest US Census population estimate (approved on July 1, 2007), indicates Bloomfield has experienced an estimated loss of 3,285 persons, or 6.9 percent of the population since 2000 (from 47,683 in 2000 to 44,398 in 2007).

#### **Population Density**

Bloomfield Township has a land area of approximately 5.32 square miles. According to the 2000 Census, the Township had an overall population density of 8,961.5 persons per square mile compared to 8,468.7 persons per mi<sup>2</sup> in 1990; indicating the Township has gained population in this ten-year duration, and thus became more densely populated. As noted above, recent estimates indicate that this trend has reversed with Bloomfield's population in decline since the last Census (2000). In 2000, Essex County had a lesser density of 6,285.4 persons per mi<sup>2</sup>, and New Jersey had a statewide population density of only 1,134.4 persons per mi<sup>2</sup>.

### Age Characteristics

Overall, the concentrations in certain age ranges have evened out since 1990, with less distinct peaks and dips, as indicated in the graph below.



Bloomfield's age cohort of school-aged children has increased substantially since 1990. The percentage of residents under 18 years of age climbed from 18 percent in 1990 to over 21 percent in 2000; an increase of over 1,916 persons under 18 years of age. Residents aged 35 to 55 also increased substantially, while the number of retirement-aged residents (ages 65 and older) fell from 1990 to 2000 by over 15%, as can be seen in the table below.

**Age Groups and Median Age, 1990 and 2000**

Bloomfield Township	1990		2000		90-00	
	Number	%	Number	%	Change	% Change
Total Population	45,061	100.0%	47,683	100.0%	2,622	5.8%
Under 18 years of age	8,123	18.0%	10,039	21.1%	1,916	23.6%
18 to 64 years of age	28,819	64.0%	30,817	64.6%	1,998	6.9%
65 years and over	8,119	18.0%	6,827	14.3%	-1,292	-15.9%
Median Age	36.8	(X)	37.1	(X)	0.3	0.8%

Data Set: Census Summary File 1 (SF 1) – 100% Data

### Resident Income

In terms of household income, approximately half (54 percent) of the households in the Township earned more than \$50,000 annually. Median household income in the Township was \$53,289, and per capita income was \$26,049. Approximately 2.8% of the households in the Township received Supplemental Security Income from the Federal government, and 1.8% received public assistance income.

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**Summary of Income Data, 1999**

<b>Household Income in 1999</b>	<b>Number</b>	<b>%</b>
Total Households	19,028	100.0%
Less than \$10,000	1,155	6.1%
\$10,000 to \$14,999	823	4.3%
\$15,000 to \$24,999	1,767	9.3%
\$25,000 to \$34,999	1,952	10.3%
\$35,000 to \$49,999	3,016	15.9%
\$50,000 to \$74,999	4,367	23.0%
\$75,000 to \$99,999	2,848	15.0%
\$100,000 to \$149,999	2,185	11.5%
\$150,000 to \$199,999	518	2.7%
\$200,000 or more	397	2.1%
Median household income (dollars)	\$53,289	(X)

With earnings	15,717	82.6%
Mean earnings (dollars)	\$66,124	(X)
With Social Security income	5,146	27%
Mean Social Security income (dollars)	\$12,021	(X)
With Supplemental Security Income	541	2.8%
Mean Supplemental Security Income (dollars)	\$6,540	(X)
With public assistance income	339	1.8%
Mean public assistance income (dollars)	\$3,246	(X)
With retirement income	3,021	15.9%
Mean retirement income (dollars)	\$12,327	(X)

Per capita income (dollars)	\$26,049	(X)
Median earnings (dollars):		
Male full-time, year-round workers	\$43,498	(X)
Female full-time, year-round workers	\$36,104	(X)

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

In Bloomfield, the median annual household income grew from \$39,822 in 1989 to \$53,289 in 1999. When inflation is taken into count, an adjusted net loss of \$72.48 is realized (converting 1989 dollars to 1999 dollars). The annual per capita income grew from \$18,722 in 1989 to \$26,049 in 1999. When inflation is taken into count, there was an adjusted net gain of \$962 (converting 1989 dollars to 1999 dollars).

**Comparative Household Income Growth, 1989 to 1999**

<b>Median Household Income</b>	<b>1989</b>	<b>1999</b>	<b>Change</b>	<b>% Change</b>
Bloomfield Township	\$39,822	\$53,289	\$13,467	33.8%
Essex County	\$34,518	\$44,944	\$10,426	30.2%
New Jersey	\$40,927	\$55,146	\$14,219	34.7%

Data Set: Census Summary File 3 (SF 3) - Sample Data



## HOUSING INVENTORY

### **Households**

The US Census reported a net gain of 562 total households since 1990 (a 3.0% increase). The number of non-family households rose by approximately 5.3%, or 350 households, between 1990 and 2000, while family households also grew by over 200 households, an increase of almost 2 percent.

**Number and Type of Households, 1990 and 2000**

Bloomfield Households	1990		2000		90-00	
	Number	%	Number	%	Change	% Change
<b>Total Households</b>	18,455	100.0%	19,017	100.0%	562	3.0%
<b>Non-family Households</b>	6,598	35.8%	6,948	36.5%	350	5.3%
<b>Family Households</b>	11,857	64.2%	12,069	63.5%	212	1.8%

Data Set: Census Summary File 1 (SF 1) – 100% Data

Although the regional trends in terms of average household size have stayed relatively stable, the Township's household size has increased from 2.42 persons in 1990 to 2.49 persons in 2000. The average owner- and renter-occupied household size in Bloomfield mutually increased between 1990 and 2000, by 0.05 for owner-occupied units and 0.11 for renter-occupied units. The 2000 Census reports that the average household size in Bloomfield is smaller than both Essex County's and New Jersey's average household size.

**Comparative Average Household Size, 1990 & 2000**

Average Household Size	Bloomfield		Essex County		New Jersey	
	1990	2000	1990	2000	1990	2000
All Households	2.42	2.49	2.72	2.72	2.70	2.68
Owner-occupied dwellings	2.81	2.86	3.03	2.99	2.87	2.81
Renter-occupied dwellings	1.94	2.05	2.47	2.49	2.40	2.43

Data Set: Census Summary File 1 (SF 1) – 100% Data

### **Housing Units and Units in Structure**

During the 1990's, the Township's total housing stock experienced a net gain of 215 dwelling units, including a gain of 274 detached and 135 attached single-family units. In addition, two-family units experienced an increase of 127 units. Multi-family and mobile home, trailer or other dwelling units decreased by 72 dwellings and 249 dwellings, respectively. During Census 2000, single-family dwellings (attached and detached) comprised of less than one-half of the total housing stock, while two- and multi-family dwellings accounted for 56% of the total.

In contrast to Bloomfield's net gain of 562 total households between 1990 and 2000, the US Census reported a net gain of only 215 dwelling units to the total housing stock. The difference between household and housing unit growth can be attributed to a net decrease of 347 vacant

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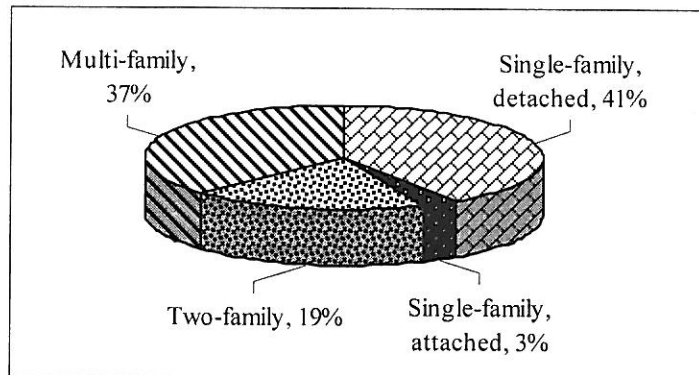
dwelling units (838 vacant dwellings in 1990 versus 491 vacant dwellings in 2000) and an increase in household size.

**Units in Structure, 1990 to 2000**

<b>Bloomfield</b>	<b>1990</b>	<b>2000</b>	<b>Difference</b>
Total:	19,293	19,508	215
Single-family, detached	7,639	7,913	274
Single-family, attached	375	510	135
Two-family	3,666	3,793	127
Multi-family	7,354	7,282	-72
Mobile home or trailer, or other	259	10	-249

Data Set: Census Summary File 3 (SF 3) - Sample Data

**Units in Structure Pie-chart, 2000**



### Occupancy & Tenure

Between 1990 and 2000, due to a drop in housing vacancy rates, Bloomfield's inventory of occupied housing units grew by 562 dwellings. The 2000 rental vacancy rate of 3.2% is considerably lower than a normal market rate of 6%.

**Housing Occupancy, 1990 & 2000**

	<b>1990</b>	<b>2000</b>	<b>Difference</b>
Total Housing Units:	19,293	19,508	215
Occupied housing units	18,455	19,017	562
Owner-occupied housing units	10,117	10,150	33
Renter-occupied housing units	8,338	8,867	529
Vacant housing units	838	491	-347
<i>Total Vacancy Rate (percent)</i>	7.5%	3.2%	-4.3
<i>Homeowner vacancy rate (percent)</i>	1%	0.7%	-0.3
<i>Rental vacancy rate (percent)</i>	6.5%	2.5%	-4.0

Data Set: Census Summary File 1 (SF 1) – 100% Data



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Occupied housing units in Bloomfield are largely occupied by renters, with almost half of the units considered rentals. In 2000, the homeownership rate of Bloomfield was 53.4%, less than the statewide figure of 65.6%. As a direct result of the reduction of vacant units between 1990 and 2000, the number of renter-occupied dwellings grew by 529 units: more than a 6 percent increase, while the number of owner-occupied housing units stayed relatively stable, increasing by only 33 units.

### **Housing Affordability**

The basic measure of affordable housing used by COAH is that gross rent (including utilities) will represent no more than 30% of gross household income and that mortgage payments (including taxes, insurance, and homeowner's association fees) will represent no more than 28% of gross household income.

A low-income household is a household whose gross income is equal to or less than 50% of the median gross income for a household of the same size within the same housing region. A moderate-income household is a household whose gross income falls between 50% and 80% of the median household income within the same housing region. Bloomfield Township is in Region 2, consisting of Essex, Morris, Union and Warren Counties. Using COAH's 2000 median income limit figure of \$70,600 for a four-person household in Region 2, the moderate-income household income limit was \$56,480 and \$35,300 for a low-income household of the same size.

The following is an inventory from the 2000 Census, of rental and housing units with gross rent or housing value indicated.

**Housing Values, 2000**

<b>Owner-Occupied Units</b>	<b>Number</b>	<b>Percentage</b>
Less than \$50,000	44	0.6
\$50,000 to \$99,999	248	3.3
\$100,000 to \$149,999	2303	30.8
\$150,000 to \$199,999	3311	44.3
\$200,000 to \$299,999	1,438	19.3
\$300,000 to \$499,999	103	1.4
\$500,000 to \$999,999	8	0.1
\$1,000,000 or more	15	0.2
<b>Total</b>	<b>7,470</b>	<b>100.0</b>
<b>Median Housing Value</b>	<b>\$139,100</b>	

Data Set: Census Summary File 1 (SF 1) – 100% Data

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**Gross Rent, 2000**

Renter-Occupied Units	Number	Percentage
Less than \$200	132	1.5
\$200 to \$299	135	1.5
\$300 to \$499	466	5.2
\$500 to \$749	3263	36.7
\$750 to \$999	3463	39.0
\$1,000 to \$1,499	1035	11.7
\$1,500 or more	141	1.6
No cash rent	245	2.8
Total	8,880	100.0
Median Gross Rent	\$768	

Data Set: Census Summary File 1 (SF 1) – 100% Data

The following table illustrates the estimated number of rental and owner-occupied units located in Bloomfield that were affordable to low-, moderate-, and median income households (based on COAH's year 2000 income limits for a four-person household in Region 4). In 2000, 5,839, or 66% of all rental units were affordable to low-income households. Purchase prices were less affordable, with 234 of 7,470 housing units, or about 3.1% of housing units affordable to low-income households.

Four-person HH Income Category	Gross Annual Income Limit	Affordable Monthly Rent Limit	Affordable Rental Units Estimate (Census 2000)	Affordable Purchase Price <sup>1</sup>	Affordable Ownership Units Estimate (Census 2000)
Median	\$70,600	\$1,765	8,635	\$176,500	4,350
Moderate	\$56,480	\$1,412	8,314	\$141,200	2,190
Low	\$35,300	\$883	5,839	\$88,250	234

### Analysis of Sub-Standard Housing

Prior to 1960, census takers attempted to physically identify housing in poor condition from field surveys. Currently, deficient housing is isolated through housing-quality surrogates. Data from the 2000 U.S. Census of Population and Housing is used to identify housing units in substandard condition by way of housing quality surrogates.

There are five (5) housing quality surrogates that can generally indicate substandard housing. The following housing surrogate information was used in COAH's determination.

- **Age.** Age by itself does not make housing substandard, but it is an indication that increased maintenance will be necessary to prevent structural deficiencies. Units built before 1940 are considered to have a significant age factor. Approximately 40% of the Township's housing stock was built before 1940.

<sup>1</sup> Affordable purchase price threshold is established using affordability standards of 2.5 times household income for ownership units and 30% of monthly income for rentals.

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- **Overcrowding.** Units containing more than 1.0 person per room are considered to be overcrowded. A small percentage (4.2%) of the occupied units in the Township was considered crowded.
- **Plumbing facilities.** Units lacking complete plumbing for exclusive use are considered deficient. Only 65 dwellings (or 0.3% of the housing stock) in the Township lacked complete plumbing facilities.
- **Kitchen facilities.** Units lacking a sink with piped water, a stove and a refrigerator are considered deficient. A small percentage (0.4%) of units lacked complete kitchen facilities.
- **Heating facilities.** Inadequate heating is the use of coal, coke, wood or no fuel at all. Approximately 0.4% of units in the Township lacked adequate heating fuel.

**Summary of Housing Quality Surrogates, 2000**

	<b>Number</b>	<b>Percent</b>
<b>Total Housing Units:</b>	19,509	100%
Built before 1940	7,706	39.5%
<b>Occupied Housing Units</b>	19,017	100%
Overcrowded	803	4.2%
Lacking complete plumbing facilities	65	0.3%
Lacking complete kitchen facilities	68	0.4%
Inadequate heating fuel/ No fuel used	85	0.4%

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

Additionally, the number of rooms in a unit and the unit's value are also indicators of quality. During Census 2000, the majority of dwellings (61.5%; 11,988 out of 19,508 occupied dwellings) contained five or more rooms. The median number of rooms was 5.1. Approximately eight percent of dwellings contained two or fewer rooms.

### **Age of Housing**

Approximately 95% of the housing stock was built before 1980 and 78% of the housing stock was built before 1960. The construction of new housing units significantly dropped off after 1959. According to the 2000 Census, the median year of housing built in Bloomfield was 1946.

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**Year Structure Built, 2000**

	<b>Number</b>	<b>Percent</b>
<b>Total:</b>	19,508	100%
1999 to March 2000	16	0.1%
1995 to 1998	160	0.8%
1990 to 1994	142	0.7%
1980 to 1989	609	3.1%
1970 to 1979	1,198	6.1%
1960 to 1969	2,268	11.6%
1940 to 1959	7,409	38.0%
1939 or earlier	7,706	39.5%
<i>Median year structure built</i>	1946	(X)

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

**Rental and Purchase Value**

The majority of the specified rental units (64.3%) had a gross rent ranging from \$700-\$1499. Of the 8,880 specified rental units in the Township, 37.4% had gross rents falling between \$750 and \$999 per month, followed by 19.7% of the specified rental units in the \$500 to \$749 price level. The median monthly rent in 2000 was \$768.

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**Specified Gross Monthly Rent for Bloomfield, 2000**

	Number	Percent
Specified renter-occupied housing units	8,880	100%
With cash rent:	8635	97.3%
Less than \$100	16	0.2%
\$100 to \$149	43	0.5%
\$150 to \$199	73	0.8%
\$200 to \$249	62	0.7%
\$250 to \$299	73	0.8%
\$300 to \$349	24	0.3%
\$350 to \$399	55	0.6%
\$400 to \$449	136	1.5%
\$450 to \$499	251	2.8%
\$500 to \$549	291	3.3%
\$550 to \$599	436	4.9%
\$600 to \$649	617	6.9%
\$650 to \$699	715	8.1%
\$700 to \$749	1,204	13.6%
\$750 to \$799	877	9.9%
\$800 to \$899	1,538	17.3%
\$900 to \$999	1,048	11.8%
\$1,000 to \$1,499	1,035	11.7%
\$1,500 to \$1,999	130	1.5%
\$2,000 or more	11	0.1%
No cash rent	245	2.8%
Median (dollars)	\$768	(X)

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

The median housing value in 2000 was \$164,800, with 3,735 housing units valued at more than that. In 2000, almost half (48.4%) of the owner-occupied housing units in the Township were valued between \$125,000 and \$175,000. Only 126 units were valued at more than \$300,000.

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**Specified Value of Owner-occupied Dwellings for Bloomfield, 2000**

	<b>Number</b>	<b>Percent</b>
Specified owner-occupied housing units	7,470	100%
Less than \$10,000	7	0.1%
\$10,000 to \$14,999	5	0.1%
\$15,000 to \$19,999	7	0.1%
\$20,000 to \$24,999	0	0%
\$25,000 to \$29,999	6	0.1%
\$30,000 to \$34,999	8	0.1%
\$35,000 to \$39,999	0	0%
\$40,000 to \$49,999	11	0.1%
\$50,000 to \$59,999	0	0%
\$60,000 to \$69,999	0	0%
\$70,000 to \$79,999	61	0.8%
\$80,000 to \$89,999	61	0.8%
\$90,000 to \$99,999	126	1.7%
\$100,000 to \$124,999	619	8.3%
\$125,000 to \$149,999	1,684	22.5%
\$150,000 to \$174,999	1,932	25.9%
\$175,000 to \$199,999	1,379	18.5%
\$200,000 to \$249,999	1,089	14.6%
\$250,000 to \$299,999	349	4.7%
\$300,000 to \$399,999	79	1.1%
\$400,000 to \$499,999	24	0.3%
\$500,000 to \$749,999	0	0%
\$750,000 to \$999,999	8	0.1%
\$1,000,000 or more	15	0.2%
<i>Median (dollars)</i>	\$164,800	(X)

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

## **EMPLOYMENT ANALYSIS**

### **Resident Employment and Occupation**

Bloomfield's total labor force increased since 1990, reaching 26,092 persons during the 2000 Census compared to 25,634 persons in 1990 (an increase of 458 persons). This can be attributed to the general increase in population, since the ratio of labor force to population has remained the same. The percent of employed persons in the labor force has also stayed consistent from 1990 to 2000, at approximately 64 percent of the population above 15 years of age.

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**Bloomfield Employment Status, 2000**

	Number	%
<i>Population 16 years and over</i>	38,842	100
In labor force	26,098	67.2
Civilian labor force	26,092	67.2
Employed	24,770	63.8
Unemployed	1,322	3.4
<i>Percent of civilian labor force</i>	5.1	(X)
Armed Forces	6	0
Not in labor force	12,744	32.8

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

The top two industry sectors of Bloomfield's employed labor force during the 2000 Census were: Educational, health and social services (21.6%); and Manufacturing (12.5%). Every industry within Bloomfield employed a minimum of roughly 4 percent of the labor force, except Agriculture, forestry, fishing and hunting, and mining. This industry employed only 11 people in Bloomfield, and can be attributed to the metropolitan location and urban nature of the Township.

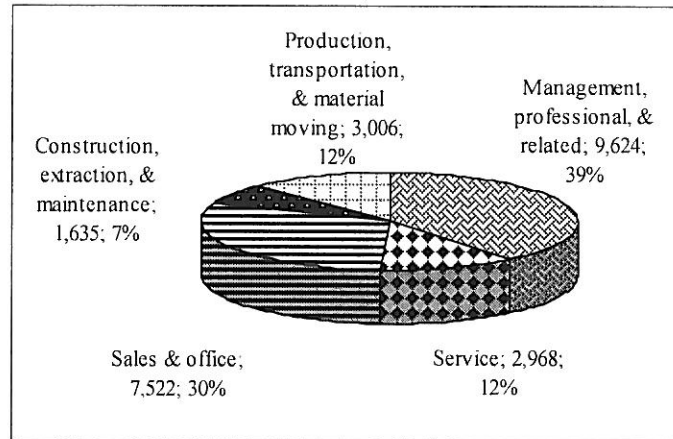
**Bloomfield Employed Civilian Labor Force by Industry, 2000**

Industry	Number	%
Agriculture, forestry, fishing and hunting, and mining	11	0.0%
Construction	1,004	4.1%
Manufacturing	3,087	12.5%
Wholesale trade	940	3.8%
Retail trade	2,683	10.8%
Transportation and warehousing, and utilities	1,629	6.6%
Information	1,289	5.2%
Finance, insurance, real estate, and rental and leasing	2,498	10.1%
Professional, scientific, management, administrative, and waste management services	2,887	11.7%
Educational, health and social services	5,352	21.6%
Arts, entertainment, recreation, accommodation and food services	1,290	5.2%
Other services (except public administration)	1,010	4.1%
Public administration	1,090	4.4%

Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

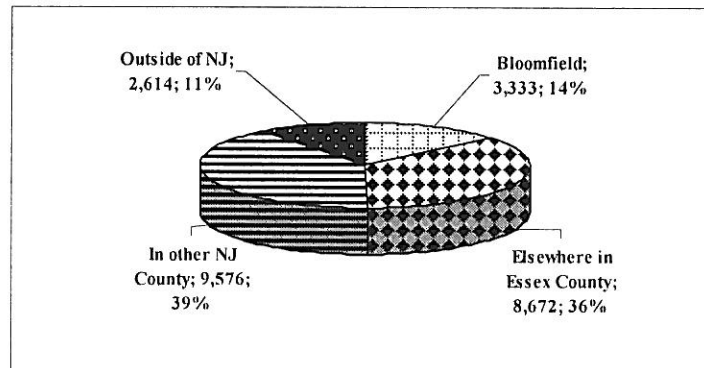
The following pie-chart illustrates that approximately two-thirds of Bloomfield's employed residents were working in white collar occupations (management, sales and office occupations).

**Pie Chart of Employed Labor Force by Occupation, 2000**  
Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data



Census 2000 reports that 459 of Bloomfield's employed labor force worked at home. The mean commuter travel time was 29.4 minutes. Approximately half of Bloomfield's employed labor force worked in Essex County; with 14% of those working in Essex County working in the Township.

**Pie Chart of Bloomfield Workers by Place of Employment, 2000**



Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data

### Employment Outlook

The North Jersey Transportation Planning Authority (NJTPA) forecasts continued job growth for the Township to the year 2030. Between 2005 and 2030 NJTPA projects the number of jobs to increase by 2,170 jobs from 14,650 to 16,820.

### NJTPA Employment Projections Bloomfield Township, 2000 TO 2030

	2000	2005	2010	2015	2020	2025	2030
Bloomfield	14,620	14,650	14,760	15,040	15,790	16,650	16,820

Source: Final NJTPA Projections (March, 18 2005)



### **FAIR SHARE OBLIGATION**

This section includes a determination of the Township's present and prospective fair share for low and moderate income housing, and with that, an analysis of how the Township will accommodate its fair share.

#### **Rehabilitation Share**

The rehabilitation share is the number of existing housing units in a municipality as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. As indicated in N.J.A.C. 5:97-1 et seq. Appendix B, Bloomfield's rehabilitation share is 320 units.

#### **Prior Round Obligation**

As indicated in N.J.A.C. 5:97-1 et seq. Appendix C, the prior round obligation for Bloomfield is 0 units.

#### **Growth Share Obligation**

The growth share obligation is initially calculated based on projections. The projections are based on New Jersey Department of Labor and Workforce Development county projections, which are allocated to the municipal level based on historical trends for each municipality and the extent to which each municipality approaches its physical growth capacity. The projections of household and employment growth are converted into projected growth share affordable housing obligations by applying a ratio of one (1) affordable unit among five (5) residential units projected, plus one (1) affordable unit for every 16 newly created jobs projected. Based on the household and employment projections for Bloomfield, the Township's projected growth share obligation is 253 units.

#### **COAH 2004-2018 Projections and Growth Share Obligation for Bloomfield Township**

<b>COAH 2004-2018 Projections</b>	<b>Ratio</b>	<b>Growth Share Obligation (in affordable units)</b>
441 units	1 affordable unit per 5 residential units	88.2
2,630 jobs	1 affordable unit per 16 jobs	164.4
<b>Total</b>		<b>253</b>

*Source: COAH's table entitled "Rehabilitation Share, Prior Round Obligation & Growth Projections based on amendments to NJAC 5:97 adopted September 22, 2008."*

As the Township does not have a Prior Round Obligation and there are no developments satisfying the prior round, Bloomfield is not eligible to subtract any exclusions from their household or employment projections in accordance with NJAC 5:97-2.4(a)1 and NJAC 5:97-2.4(b)1.

## Analysis of Existing Conditions

The Township's existing and future conditions in terms of infrastructure, land uses, economic development policies, and environmental constraints must be considered first as a basis for the Township's plan to accommodate its fair share.

### *Infrastructure*

As reported in the 2004 Essex County Cross Acceptance Report, Bloomfield indicated several infrastructure needs, including water main improvements, a new water pumping station, and improvements to sanitary and storm sewer facilities. The total cost for these infrastructure improvements were approximated at \$17 million. At this time, Bloomfield lacks the available funds for these improvements. This goal is still valid.

With a growing interest by the development community in redeveloping underutilized industrial sites into mixed-use projects due to the convenience of the Midtown Direct rail link and other transit opportunities, as well as the downtown lifestyle potential in Bloomfield, the Township will be able to use its Rehabilitation Area designation to incorporate infrastructure improvements into future redevelopment agreements.

### *Land Uses*

Due to the built-out nature of Bloomfield (96% developed), the Township's overall land use pattern has remained substantially unchanged during the past 10 years, and only moderate future growth is expected to occur. The majority of future growth and development in the Township will be generated by redevelopment activity in the Bloomfield Station redevelopment area, and Township-wide as the entire Township was declared as an "Area in Need of Rehabilitation" pursuant to the New Jersey Local Housing and Redevelopment Law in 2002.

*Plan Endorsement* - Pursuant to amendments to the State Planning Rules (N.J.A.C. 5:85-1.1 et. seq.) in May of 2004, the Center Designation process has been replaced by the Plan Endorsement process, which seeks to ensure that planning throughout the entirety of a municipality is consistent with the goals and policies of the State Plan. Plan Endorsement generally entails comparing existing zoning and land use practices town-wide to the key concepts and policies of the State Plan and its Policy Map. Obtaining Preliminary Plan Endorsement requires a municipality to adopt a Planning and Implementation Agreement (PIA), subject to periodic biennial monitoring of the status and progress towards achieving the efforts outlined in the PIA. The State Planning Commission, through its staff (the Office of Smart Growth) has drafted new rules for Plan Endorsement which were adopted on October 17, 2007. The Plan Endorsement process was modified to merge Preliminary and Advanced Plan Endorsement and that final Endorsement will be based upon the completion of an "Action Plan" linked to a Memorandum of Understanding (MOU) executed in advance between the municipality and the agencies (OSG, NJDEP, NJDOT, etc.). Upon execution of the MOU, the Office of Smart Growth issues a Certificate of Eligibility for Plan Endorsement. Plan Endorsement is assured when the municipality completes its action items within the Action Plan.

Plan Endorsement has replaced Center Designation in terms of incorporating "centers" (Regional Centers, Town Centers, Village Centers and Hamlets) into the State Plan. There were no centers previously designated or currently being proposed in Bloomfield Township; however the Bloomfield Planning Board is interested in the potential coordination of the Bloomfield corridor business district with Montclair and Glen Ridge and possible creation of a Regional Center or Corridor Center

designation that focuses on Bloomfield College and Montclair University as centers for a conference/training center for industry and academia.

### ***Economic Development Policy***

The Township promotes the growth of a diversified economic base that generates employment growth, increases tax ratables, improves income levels and facilitates the redevelopment of brownfield sites by focusing economic development efforts on growth sectors of the economy and existing commercial and industrial districts.

The Bloomfield Center Alliance, Inc. (BCA), a non-profit organization, is the management entity for the Bloomfield Center Special Improvement District (SID). The SID was created in 2001, and comprises over 200 residential and commercial properties. The commercial property owners are assessed an additional 6 percent over their regular municipal taxes to fund capital programs, marketing and operations that enhance and revitalize the SID. The BCA is made up of property and business owners, residents, Bloomfield College, and Township representatives.

At the end of Phase I of the Essex County Brownfields Identification and Assessment multi-phase project in which Bloomfield participated, the Public Works yard was given high priority as a site for brownfield redevelopment in Essex County. Because this site is across the street from a NJ Transit commuter surface parking lot, the Township would like to see this site developed in coordination with NJ Transit as a joint venture/public-private partnership involving a Transit Oriented Development (TOD), including affordable units. This site could be redeveloped either as a redevelopment area or as a rehabilitation area.

### ***Environmental Constraints***

Bloomfield supports conservation efforts in order to preserve environmentally sensitive natural features, protect residential neighborhoods, preserve and address open space, promote public health and facilitate brownfields development. In November 2001, the Township voters approved a dedicated open space tax of one cent (\$0.01) per one hundred dollars (\$100.00) assessed value to provide a steady source of funding to acquire property or easements in the Township for the purposes of active recreation, passive recreation, and water quality protection. An Open Space Trust Fund Committee was created in 2003 to advise the Township Council on future acquisitions.

Subsequently, in August 2004, the Open Space Trust Fund Committee in partnership with the Morris Land Conservancy compiled an Open Space and Recreation Plan (OSRP) to serve as a guide for the acquisition and maintenance of land for open space and recreational purposes, and increase the Township's resident's quality of life and maintain Bloomfield as a desirable community. The goals of the OSRP are listed below:

- Encourage and create a walkable community for improved health through a network of sidewalks and trails;
- Acquire and preserve land for pocket parks and expansion of existing parks and recreational facilities to meet growing needs for both active and passive recreation activities;
- Establish an integrated greenway system to connect local neighborhoods to their parks, natural areas, and historic sites;
- Identify and protect natural areas in Bloomfield;
- Permanently protect historic sites;

- Work with Downtown Redevelopment Authority to incorporate open space and greenways in the implementation and construction of the redevelopment site;
- Work with Essex County to continue to enhance and improve maintenance of existing parks and facilities;
- Preserve the watershed, wetlands, and floodplains of the Second and Third Rivers, and their tributaries, within the Township;
- Identify and protect flood hazard areas, especially steep slope areas, to reduce flooding damage and streambank erosion; and
- Encourage residents to use the outdoor resources in Bloomfield Township.

The “Land Preservation Recommendations” of the OSRP propose four greenways, four linkages and four trails all to interconnect with select destination points in the Township such as existing parks, Bloomfield College and the train station.

### **FAIR SHARE PLAN**

The following provides a plan indicating how the Township will meet its fair share obligation.

#### **Rehabilitation Share**

A municipality can claim credits for any low or moderate income rehabilitation projects funded through the Rehabilitation Program, completed since April 1, 2000 (provided the average cost of the projects is \$8,000 and all code violations on the property have been abated.) Bloomfield participates in the Essex County Housing Rehabilitation Program and has a longstanding local residential rehabilitation program. These programs are designed to give low to moderate homeowners, occupying a 1 to 3 family dwelling, the opportunity to make necessary improvements to their homes while also, in many instances, eliminating code violations. A lien in the amount of up to \$15,000 is recorded against the owner's property. This lien must be re-paid only if the owner sells or transfers ownership of the property within a ten-year period. Between April 1, 2000 and July 2006, 88 units have been rehabilitated through the Residential Rehabilitation Programs at an average cost of \$10,000.00 (see the table below). Over the past four years, the Township has averaged 30 units rehabilitated per year.

Units Completed Through the Residential Rehabilitation Program, April 1, 2000 to July 2006

Table ID #	2					3			4	5	6	7	8	9	10	11	12	13
	Street Address	Cash #	Block	Lot	Unit number	Own (X)	Rent (X)	Very Low (X)										
	95 Thomas St	B	2966	220	8	1				02/24/04	\$10,000.00	1			07/16/03			
1	95 Thomas St*	2966	220	8	1						\$24,910.00							
2	220 North 17th St	B	2972	18	15	1	X		X	09/19/02	\$10,000.00	1		Y	01/09/03	10 years		
	220 North 17th St*	2972	18	15	1						\$4,260.00							
3	33 Morse Ave	B	2979	185	606	1				06/19/03	\$9,000.00	1			01/08/04			
4	44 Morse Ave*	2979	185	606	1						\$23,372.00							
5	34 Evergreen Ave	B	2984	193	46	1				03/23/04	\$9,800.00	1			12/17/02			
	34 Evergreen Avenue*	2984	193	48	1													
6	176 Berkeley Ave	B	2990	334	58	1				04/03/02	\$9,800.00	1			04/26/02			
	176 Berkeley Avenue*	2990	334	58	1													
7	172 Montgomery St	BL04	2991	307	59					02/11/05	\$15,000.00							
	172 Montgomery St*	2991	307	59	1						\$9,800.00							
8	168 Weaver Ave	B	2992	430	9	1				03/08/03	\$10,000.00	1			10/03/03			
	168 Weaver Ave *	2992	430	9	1													
9	29 Lexington Ave	B	2995	364	8	1				01/30/03	\$10,000.00	1						
	29 Lexington Ave *	2995	384	8	1						\$23,940.00							
10	132 Spruce St	B	2999	282	31	2				06/18/04	\$15,000.00	2						
	132 Spruce St*	2999	282	31	2													
11	366 Watchung Ave*	3001	963	38	1						\$25,000.00							
	366 Watchung Ave*	3001	963	38	1													
12	116 Floyd Ave *	B	3003	45	11	1				05/03/03	\$10,000.00	1			10/10/03			
	116 Floyd Ave *	3003	45	11	1													
13	96 Bessida Street*	3009	1022	11	1					03/22/01	\$9,835.00							
	96 Bessida Street*	B	3012	18	14	1				07/09/04	\$15,000.00	2						
14	216 North 17th St *	3012	18	14	1						\$25,000.00							
15	20 Barbara St *	B	3017	827	10	2	X		X	10/30/02	\$10,000.00	1		Y	04/25/03	10 years		
	20 Barbara St *	3017	827	10	2						\$23,000.00							
16	51 Hobson St *	B	3018	1021	45	1				08/21/03	\$14,625.00	2			3.4.8			
	51 Hobson St *	3018	1021	45	1						\$10,000.00							
17	306 Belleville Ave	B	3021	283	17	1				04/14/03	\$9,500.00	1		1	11/05/03			
	306 Belleville Avenue*	3021	283	17	1						\$9,500.00							
18	144 North 15th St	B	3028	5	43	2				06/19/03	\$10,000.00	1			12.8	12/11/03		
	144 North 15th Street*	3028	5	43	2						\$10,000.00							
19	68 Yanticaw Ave *	3032	731	74	1					08/12/04	\$14,950.00	2		1.8				
	68 Yanticaw Ave *	3032	931	74	1													
20	43 Ackerman St	3037	906	45	1					07/21/03	\$14,925.00	2		3.6.8				
	43 Ackerman St *	3037	906	45	1													
21	463 Abington Avenue*	3040	32	11	1													
	463 Abington Avenue*	3040	32	11	1													
22	74 Montgomery St.	3042	481	26	1					11/07/03	\$9,500.00	1		1.8	09/01/04			
	74 Montgomery St. *	3042	481	26	1						\$12,100.00							
23	69 Charles St (1 of 2)	BL04	3044	101	2	1				10/2/05	\$7,950.00			8				
	69 Charles St (1 of 2)	BL04	3044	101	2	1					\$7,950.00			8				
24	70 Charles St (2 of 2)	BL04	3044	101	2	1				03/02/05	\$7,950.00							
	70 Charles St (2 of 2)	BL04	3044	101	2	2												
25	69 Charles Street*		3044	101	2	2												
26	88 Lexington Ave. *		3051	378	3	1					\$18,425.00	3						



Units Completed Through the Residential Rehabilitation Program, April 1, 2000 to July 2006

Table ID #	Street Address	Case #	Block	Lot	Unit number	Own (X)	Rent (X)	Very Low (X)	Mod (X)	4	5	6	7	8	9	10	11	12	13
										final inspection date (mm/dd/yy)	funds expended on hard costs (\$)	development fees expended (X)	funds recaptured (X)	major system(s) repaired (use code)	was unit below code & raised to code? (y/n)	effective date of affordability controls (mm/dd/yy)	length of affordability controls	affordability control removed (y/n)	creditworthy (y/n)
27	16 Clinton Ave *	3060	212	12	1					09/10/03	\$22,450.00			1.8		06/02/04			
	16 Clinton Ave	3060	212	12	1					06/27/05	\$16,990.00			8					
28	28 Elston St.	BL04	823	14	1														
29	28 Elston Street*	3082	823	14	1														
30	183 La France Ave *	3084	44	3	1						\$15,000.00								
31	140 Walnut St. *	3090	280	16	1					12/23/03	\$24,950.00			1		04/12/04			
32	39 Lexington Ave *	3093	364	13	1						\$28,500.00								
33	38 Orchard St.	3094	454	15	1					11/18/04	\$4,500.00			2.8		01/13/04			
34	38 Orchard St. *	3094	454	15	2						\$6,200.00								
35	44 Valentine Road*	3096	737	1	1														
36	135 Spruce St.	BL04	286	24						05/20/05	\$15,275.00			8					
37	135 Spruce St. *	3099	286	24							\$24,300.00								
38	84 Baldwin Pl.	3101	427	19	1					06/30/04	\$14,600.00			2.8					
39	84 Baldwin Pl. *	3101	427	17	1						\$14,600.00								
40	15 Clinton St.	3106	213	53	1					08/10/04	\$15,000.00			1.8					
41	15 Clinton St. *	3106	213	53	1						\$25,000.00								
42	93 N. Fulton St. *	3107	188	3	1						\$25,000.00								
43	96 Bessida St.	3114	1022	11	1						\$9,835.00			2.3		08/21/02			
44	96 Bessida Street*	3114	1022	11	1						\$25,000.00								
45	45 Ella St. *	3120	102	10	1					04/22/05	\$8,600.00			1					
46	92 Bessida St.	BL04	1021	15															
47	92 Bessida St. *	3121	1022	15	1						\$8,600.00								
48	61 East Alhura St.	3126	542	14	1					03/26/04	\$14,990.00			1.8					
49	61 East Alhura St. *	3126	542	14	1						\$14,900.00								
50	73 Berkeley Avenue*	3127	366	42	2					05/22/04	\$14,520.00			1.8					
51	91 Baldwin Pl.	3130	428	23	1						\$14,520.00								
52	91 Baldwin Pl. *	3130	428	23	1						\$24,900.00								
53	144 Montgomery St. *	3132	307	49	1						\$32,715.00								
54	62 Lakewood Terrace*	3141	795	16	2														
55	46 Sudler Road*	3144	1031	30	1					08/17/05	\$15,000.00			3					
56	583 Broad St.	BL04	792	44															
57	583 Broad Street*	3147	792	44	1														
58	45 Pitt St (1 of 2)	3148	571	10						05/20/05	\$6,677.00			3					
59	45 Pitt St (2 of 2)	BL04	571	10						05/20/05	\$6,678.00			3					
60	45 Pitt Street*	3148	571	10	2														
61	224 Baldwin St. *	3150	724	20	2						\$12,900.00								
62	81 Dewey Street*	3151	90	66	1														
63	95 Morse Avenue*	3153	90	2	1														
64	24 Prospect Street*	3154	121	28	1														
65	330 W. Passaic Ave. *	3156	1457	4	1														
66	432 E. Passaic Ave. *	3158	1032	4	1						\$13,975.00								
67	432 E. Passaic Avenue*	3158	1032	4	1														

Units Completed Through the Residential Rehabilitation Program, April 1, 2000 to July 2006

Table ID #	Street Address	2		Block	Lot	Unit number	Own (X)	Rent (X)	3			4	5		6	7	8	9	10	11	12	13
		Case #							Very Low (X)	Low (X)	Med (X)		final inspection date (mm/dd/yy)	funds expended on hard costs (\$)								
56	271 Broughton Ave *	BL04	3159	915	1	1						02/11/05	\$13,200.00				1,2					
57	19 Davey St *	BL04	3160	488	4	1						06/27/05	\$12,180.00				2,3					
58	520 Watchung Ave *		3161	933	81	1																
59	173 Broughton Ave *		3163	829	3	1																
60	111 Lobell Ct *		3163	829	3	1																
61	397 Berkeley Ave *		3165	332	91	1						05/10/05	\$15,000.00				2,3,4					
62	65 Jewelllyn Avenue *		3168	193	11	1																
63	148 Glenwood Ave *		3173	194	15	3																
64	154 Raab Ave *		3174			1																
65	55 Widling Lane *		3177	1082	65	1						05/16/05	\$14,250.00				2,4,8					
66	36 Sprang St *		3180	665	20	2								\$26,800.00								
67	43 Charles St *		3182	101	11	1								\$24,890.00								
68	139 Harrison St *		3185	424	35	1								\$20,608.60								
69	18 Union Pl *		3187	820	11	1																
70	23 MacIsaac Ave *		3191	213	9	1								\$16,000.00								
71	30 Yanticaw Ave *		3192	931	63	1																
72	17 Tunbridge Pl *		3199	40	14	1																
73	103 Thomas St *		3200	220	11	1																
74	110 James St *		3202	661	33	1																
75	*	5	3203											\$14,245.00								
76	75 Pich St *		3205	1026	23	1								\$9,862.19								
77	335 W Passaic Ave *		3208	1450	35	1																
78	116 W Passaic Ave *		3209	1263	21	1																
79	185 Baldwin St *		3210	661	58	1								\$15,000.00								
80	243 Spruce St *		3211	519	7	1																
81	320 Bloomfield Ave *		3212	154	8	1																
82	98 Evergreen Ave *		3222	193	70	1																
83	15 Thomas St *	5	3229	214	6	1						10/6/04	\$17,300.00									
84	*	5	6000											\$5,050.00								
85	*	5	6001																			
86	*	5	6003																			
87	*	5	6004																			
88	*	5	6005																			

**Bloomfield Township**  
Master Plan Housing Element and Fair Share Plan

*Reported by ESSEX COUNTY REHABILITATION									
<sup>1</sup> Reported as Total Amount									
<sup>2</sup> Reported as Committed Amount									
<sup>3</sup> Reported as Total Program \$ + HMR Funds									
<b>SUMMARY OF REHABILITATION</b>									
Number of Units Rehabilitated	Number of units reporting Costs					Average Hard Costs Expended			
88 units	32					\$36,571.96			

### Prior Round Obligation

Bloomfield's prior round obligation (1987-1999), as recalculated by COAH, is 0 units. Since there is no obligation, the formulas addressing Minimal Rental Obligation, and Maximum number of Age Restricted Units for the Prior Round component are unnecessary in this report, and the obligation is considered satisfied.

### Growth Share Obligation

The following projects will be used to satisfy the Township's growth share obligation.

#### *Existing Affordable Housing*

In a list compiled by COAH in 2004, there were two publicly-assisted projects previously built. The names of the developments are Felicity Towers/ Bloomfield Senior Housing, and Kinder Towers. Felicity Towers was built prior to 1980, and cannot satisfy the growth share component, Kinder Towers was issued a certificate of occupancy in 1986 and may be included in the calculation. Kinder Towers includes 129 affordable age-restricted rental units. The Township intends to use 63 of the 129 units as credits towards the growth share obligation.

#### *Supportive and/or Special Needs Housing*

Bloomfield Township is requesting credits for the following group home facilities as shown in the table below. All of the group homes are licensed and funded by the New Jersey Department of Human Services and are deed restricted in accordance with State requirements. None of the facilities is age-restricted. The Township claims 25 bedrooms or credits towards its growth share obligations, and 25, 2 for 2 bonus credits.



**Supportive and/or Special Needs Housing**

<b>Name of Facility</b>	<b>Address</b>	<b># bedrooms</b>	<b>CO or License Date</b>
Project Live	121 Liberty Street	5	5/24/06
Arc of Essex County	24 Clarendon Place	6	8/28/87
Arc of Essex County	5 Linden Avenue	6	11/30/91
Easter Seals of NJ	2-10 Montgomery St	3	1993
The Center for Family Support	694 East Passaic Ave	5	6/01/02
Total	n/a	25	--

***Bloomfield Center Redevelopment Plan***

On August 7, 2006 the Mayor and Council of the Township of Bloomfield adopted a Resolution finding Bloomfield Center to be an area in need of redevelopment. The Township is currently preparing a Redevelopment Plan for the designated area. The draft Redevelopment Plan includes a provision that requires the redeveloper to provide for all affordable housing that results from the calculation of the growth share generated by its project. As there are no redeveloper agreements in place, the provision of affordable housing will be handled on a project by project basis with a 20 percent or more set aside.

***Inclusionary Zoning Ordinance***

The Township of Bloomfield adopted an inclusionary zoning ordinance that requires a set aside for projects that generate five or more residential units of one affordable housing unit for every four market-rate units. The Township intends to encourage developers to provide affordable housing through inclusionary zoning by making available to a developer any financial incentive including but not limited to tax abatements. The ordinance is enclosed and part of the COAH application.

\*\*

**Bloomfield Township**  
Master Plan Housing Element and Fair Share Plan

A summary of the Township's growth share obligation is presented in the table below. The following parameters are applicable to the Township's growth share obligation:

**Parameters for Growth Share Obligation, and Proposed Units**  
**Bloomfield Township (Essex County)**

	<b>Required (affordable units)</b>	<b>Proposed (affordable units)</b>
Growth Share Obligation	253	
Min. Family Housing Requirement	127	25
Min. Rental Requirement	63	88
Min. Family Rental Units	32	25
	25% of the growth share once the rental requirement is met= 63 unit cap	
Max. Rental Bonus		63
Max. Age-Restricted	63	63
Min. Very Low-Income	33	0

**Satisfaction of Growth Share Obligation,**  
**Bloomfield Township (Essex County)**

<b>Project: Name</b>	<b>Total Project Units and Type</b>	<b>Credits Requested</b>	<b>Total Credits Requested (including bonuses)</b>	<b>Citation for Bonus</b>
Kinder Towers	Public Housing-129 age restricted rentals	63	63	-
Project Live	Group Home-5	5	10	NJAC 5:97-3.6(a)1
Arc of Essex County	Group Home-6	6	12	NJAC 5:97-3.6(a)1
Arc of Essex County	Group Home-6	6	12	NJAC 5:97-3.6(a)1
Easter Seals of NJ	Group Home-3	3	6	NJAC 5:97-3.6(a)1
The Center for Family Support	Group Home-5	5	10	NJAC 5:97-3.6(a)1
Bloomfield Center Redevelopment Plan Area	Redevelopment Project	TBD	Credits times 2	NJAC 5:97-3.17-Compliance Bonus (potentially)
<b>Total</b>			<b>113</b>	

RESOLUTION OF THE  
TOWNSHIP OF BLOOMFIELD  
PLANNING BOARD

RESOLUTION IN THE MATTER OF THE ADOPTION  
OF A HOUSING ELEMENT AND FAIR SHARE PLAN AS AN  
AMENDMENT TO THE TOWNSHIP OF BLOOMFIELD'S 2002  
MASTER PLAN PURSUANT TO N.J.S. 40:55D-28.

WHEREAS, the Municipal Land Use Law, N.J.S. 40:55D-1,  
et. seq. ("MLUL"), and specifically N.J.S. 40:55D-28,  
establishes the process for adopting and amending a  
municipal Master Plan; and

WHEREAS, in July, 2002, the Board adopted a Master  
Plan pursuant to the MLUL; and

WHEREAS, at its meeting of October 14, 2008, the  
Planning Board adopted as an amendment to the 2002 Master  
Plan the "Update of the 2002 Master Plan for the Township  
of Bloomfield", dated September 26, 2008, and the "Addendum  
to the Update of the 2002 Master Plan", dated October 2008,  
prepared on behalf of the Board by the firms of CMX and the  
Nishuane Group, respectively; and

WHEREAS, pursuant to the Fair Housing Act, N.J.S.A.  
52:27D-301, et seq., and regulations promulgated by the  
Council on Affordable Housing, David G. Roberts of CMX, a  
licensed professional planner in the State of New Jersey,

prepared a Housing Element and Fair Share Plan as a further amendment to the Township Master Plan; and

WHEREAS, the Board, pursuant to the Municipal Land Use Law, held a public hearing at its December 9, 2008 meeting, at which Mr. Roberts appeared to discuss the substance of and necessity for the Housing Element and Fair Share Plan, which was provided to the Board in advance of said meeting; and

WHEREAS, the December 9, 2008 meeting was duly noticed in accordance with the provisions of N.J.S. 40:55D-13 by publishing notice at least 10 days in advance in the official newspapers of the Township and by providing notice, by certified mail, return receipt requested, to the municipal clerks of adjoining municipalities and the Essex County Planning Board; and

WHEREAS, as a result of the public hearing, the Planning Board determined to adopt the Housing Element and Fair Share Plan as an amendment to the Master Plan.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of Bloomfield that the Board, by a vote of five (5) in favor, none opposed and one abstention, be and hereby does adopt as an amendment to the 2002 Master Plan the Housing Element and Fair Share Plan prepared by CMX.

IN FAVOR OF ADOPTING THE HOUSING ELEMENT AND FAIR  
SHARE PLAN AS AN AMENDMENT TO THE TOWNSHIP'S MASTER  
PLAN:

Chairman LaQuaglia	Yes
Mr. Lasek	Yes
Mr. McGonigle	Yes
Mr. Pietrykoski	Yes
Mr. Stephan	Yes

(5) Yes

OPPOSED TO ADOPTING THE HOUSING ELEMENT AND FAIR SHARE  
PLAN AS AN AMENDMENT TO THE TOWNSHIP'S MASTER PLAN:

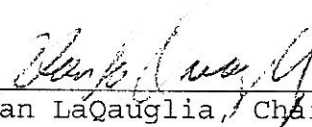
None

(0) No

ABSTAINED:

Dr. Sotillo

The undersigned, a member of the Bloomfield Planning  
Board, certifies that the foregoing is a true copy of the  
Resolution adopted on the 9<sup>th</sup> day of December, 2008 to  
reflect the action taken by said Board on that same date.

  
\_\_\_\_\_  
Alan LaQuaglia, Chairman

(9-14)

12/15

*John J. Jones*

**Resolution of the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey to Petition the Council on Affordable Housing for Substantive Certification with the Township of Bloomfield's Housing Element and Fair Share Plan**

**WHEREAS**, the Planning Board of the Township of Bloomfield, Essex County, State of New Jersey (the "Township"), adopted the Housing Element of the Master Plan on December 9, 2008; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on December 9, 2008; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Bloomfield Township, Essex County, State of New Jersey, that the Mayor and Council hereby endorses the Housing Element and Fair Share Plan as adopted by the Bloomfield Township Planning Board; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Township of Bloomfield, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

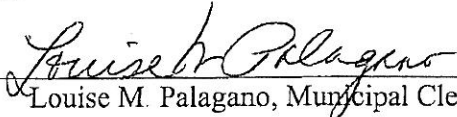
**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Bloomfield Township municipal clerk's office located at 1 Municipal Plaza, during the hours of 8:30AM to 4:30 PM on Monday through Friday for a period of 45 days

following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3 5; and

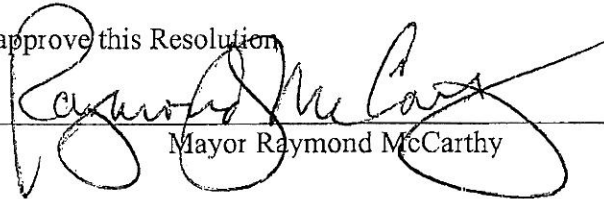
**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

\*\*\*

I hereby certify that this Resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Mayor and Council held on December 15, 2008

  
\_\_\_\_\_  
Louise M. Palagano, Municipal Clerk of the  
Township of Bloomfield

I hereby approve this Resolution

  
\_\_\_\_\_  
Mayor Raymond McCarthy

**ROLL CALL VOTE**

MAYOR & COUNCIL	YES	NO	ABSTAIN	ABSENT
COUNCILWOMAN MALY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN TAMBORINI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILWOMAN RITCHINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILWOMAN BARKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILWOMAN SPYCHALA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMAN HAMILTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAYOR McCARTHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Workbook A: Growth Share Determination Using Published Data**

(Using Appendix F(2), *Allocating Growth To Municipalities*)

### **COAH Growth Projections**

**Must be used in all submissions**

**Municipality Name:**

**Bloomfield Township**

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2) *	441	2,630
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	<a href="#">Click Here to enter Prior Round Exclusions</a>	
COs for prior round affordable units built or projected to be built post 1/1/04	0	
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	441	2,630
5 Projected Growth Share (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	88.20 Affordable Units	164.38 Affordable Units
6 Total Projected Growth Share Obligation		253 Affordable Units

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.



## Affordable and Market-Rate Units Excluded from Growth

**Municipality Name:**

**Bloomfield Township**

**Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04**

**Development Type**

**Number of COs  
Issued and/or Projected**

Supportive/Special Needs Housing  
Accessory Apartments  
Municipally Sponsored and 100% Affordable  
Assisted Living  
Other


**Total**

**0**

### Market and Affordable Units in Prior Round Inclusionary Development

**Built post 1/1/04**

**N.J.A.C. 5:97-2.4(a)**

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

**N.J.A.C. 5:97-2.4(b)**

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return To Workbook A Summary](#)

# Council on Affordable Housing (COAH) Alternative Living Arrangement Survey

Municipality: Bloomfield County: Essex  
 Sponsor: ARC Developer: Same  
 Block: 461 Lot: 1 Street Address: 24 CLARENDON PLACE  
 Facility Name: ARC/Essex Co., Inc

## Type of Facility:

- ☒ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☐ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- ☐ Congregate living arrangement
- ☐ Other - Please Specify: \_\_\_\_\_

# of bedrooms occupied by low-income residents 6# of bedrooms occupied by moderate-income residents 0Separate bedrooms? ☒ Yes ☐ NoAffordability Controls? ☐ Yes

Length of Controls: \_\_\_\_\_ years

Effective Date of Controls: \_\_\_\_/\_\_\_\_/\_\_\_\_

Expiration Date of Controls: \_\_\_\_/\_\_\_\_/\_\_\_\_

Average Length of Stay: \_\_\_\_\_ months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes ☐ No

Population Served (developmentally disabled adults)

## For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

- ☐ Capital funding from State - Amount \$ \_\_\_\_\_
- ☐ Balanced Housing - Amount \$ \_\_\_\_\_
- ☐ HUD - Amount \$ \_\_\_\_\_
- ☐ Federal Home Loan Bank - Amount \$ \_\_\_\_\_
- ☐ Farmers Home Administration - Amount \$ \_\_\_\_\_
- ☐ Development fees - Amount \$ \_\_\_\_\_
- ☐ Bank financing - Amount \$ \_\_\_\_\_
- ☐ Other - Please specify: \_\_\_\_\_

Are funding sources sufficient to complete project?

☐ Yes ☐ No

Residents qualify as low or moderate income?

☒ Yes ☐ No☐ CO Data: \_\_\_\_\_

Indicate licensing agency:

☒ DDD ☐ DMHS ☐ DHSS ☐ DCAInitial License Date: 8-28-81Current License Date: 9-30-08Age-restricted? ☐ Yes ☒ NoAccessible (in accordance with NJ Barrier Free Subcode)? ☐ Yes ☐ No

Affirmative Marketing Strategy (check all that apply):

☒ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): \_\_\_\_\_

**CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Barbara Calder  
Project Administrator

12/3/08  
Date

Certified by: \_\_\_\_\_  
Municipal Housing Liaison

\_\_\_\_\_  
Date

**NOTICE TO BE SERVED ON OWNERS OF PROPERTY  
AFFECTED BY PROPOSED VARIANCE  
FROM ZONING ORDINANCE  
OF THE  
TOWN OF BLOOMFIELD**

**PLEASE TAKE NOTICE**

That an appeal has been made to the Board of Adjustment of the Town of Bloomfield, New Jersey, to grant a variance from certain provisions of the Zoning Ordinance of the Town of Bloomfield, New Jersey.

Said appeal being made for premises to (circle whichever applies) erect, alter, move, convert use

for the purpose of Increasing the residential capacity of developmentally disabled adults from six (6) to eight (8) persons.

contrary to the provisions of Section See Building Inspector's letter dated 11/18/80  
of the said Ordinance, upon the premises known and designated as Lot No. 7  
Block No. 461 on Tax Map of the Town of Bloomfield, and  
known as 24 Clarendon Place (Street) (Avenue).

This notice is sent you as required by Section 40:55-44 of the Revised Statutes of New Jersey. A  
public hearing on this appeal has been ordered by said Board to be held on 11th  
day of December, 1978 at 8:00 P.M., in the Council Chambers, Municipal Building,  
Bloomfield, N. J., at which time you may appear, either in person or by agent, or by attorney, and  
present any objection you may have relative to the granting of this appeal.

All plans and related papers are on file in the office of the Planning Coordinator (Room <sup>214</sup> ~~#205~~)  
Municipal Building, Bloomfield, N. J., and may be inspected by interested persons during regular office  
hours Monday through Friday.

This notice is served upon you by order of the Board of Adjustment.

Dated: November 24, 1980

Essex Unit, New Jersey Association  
for Retarded Citizens

Applicant

62 North Walnut St., East Orange, NJ

Address

Joseph L. Dimino, Executive Director

Agent

# **Council on Affordable Housing (COAH) Alternative Living Arrangement Survey**

Municipality: BloomfieldCounty: EssexSponsor: ARC

Developer: \_\_\_\_\_

Block: 219Lot: 13.02Street Address: 5 LINDEN AVEFacility Name: ARC/Essex

## Type of Facility:

- ☒ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☐ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS)
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- ☐ Congregate living arrangement
- ☐ Other - Please Specify: \_\_\_\_\_

# of bedrooms occupied by low-income residents 6# of bedrooms occupied by moderate-income residents 6Separate bedrooms? Yes NoAffordability Controls? Yes

Length of Controls: \_\_\_\_\_ years

Effective Date of Controls: 1/1/11Expiration Date of Controls: 1/1/11

Average Length of Stay: \_\_\_\_\_ months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes No

Population Served (developmentally disabled Adults)

For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

- ☐ Capital funding from State - Amount \$ \_\_\_\_\_
- ☐ Balanced Housing - Amount \$ \_\_\_\_\_
- ☐ HUD - Amount \$ \_\_\_\_\_
- ☐ Federal Home Loan Bank - Amount \$ \_\_\_\_\_
- ☐ Farmers Home Administration - Amount \$ \_\_\_\_\_
- ☐ Development fees - Amount \$ \_\_\_\_\_
- ☐ Bank financing - Amount \$ \_\_\_\_\_
- ☐ Other - Please specify: \_\_\_\_\_

Are funding sources sufficient to complete project?  
Yes No

Residents qualify as low or moderate income?

Yes No☒ CO Data: 1-2-92 Attached

Indicate licensing agency:

☒ DDD ☐ DMHS ☐ DHS ☐ DCAInitial License Date: 12-91Current License Date: 9-30-08Age-restricted? ☒ Yes NoAccessible (in accordance with NJ Barrier Free Subcode)? Yes No

COAH May 2005

Affirmative Marketing Strategy (check all that apply):

☒ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): \_\_\_\_\_

**CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Barbara Calder  
Project Administrator

12/3/08  
Date

Certified by: \_\_\_\_\_  
Municipal Housing Liaison

\_\_\_\_\_  
Date

COAFY May 2003



**CERTIFICATE OF  
CONTINUED OCCUPANCY  
FOR A  
TRANSFER OF TITLE**

Block 214 Lot 13.02  
Subdivision \_\_\_\_\_

Owner Glendon Associates Agent \_\_\_\_\_  
Address 256 Broad St. Address \_\_\_\_\_  
Bloomfield, NJ \_\_\_\_\_  
Tel. ( ) \_\_\_\_\_ Tel. ( ) \_\_\_\_\_  
Lic. No. \_\_\_\_\_  
Federal Emp. No. \_\_\_\_\_

Food/Beverage	\$ 10.00
Gift/Benefit	10.00
Other	
Total	20.00

DATE: 10/1/87

**Certificate of Continued Occupancy (C. of C.O.) Address**

Zone Designation of C. of C.O. Address

**Present Use of Building or Structure**

After an inspection of the premises and an investigation of the available municipal records it has been determined that the present use of the existing building or structure does lawfully exist.

This Certificate shall evidence ONLY that a general inspection of the visible parts of the building has been made.

The transfer property is in satisfactory condition.

This Certificate is valid for a period of six (6) months from the date issued to the owner listed above.

This Certificate shall become null and void concurrent with the transfer of title.

Inspector's Remarks: \_\_\_\_\_

C. of C.O. Inspector

Inspector's Signature \_\_\_\_\_



## Council on Affordable Housing (COAH) Alternative Living Arrangement Survey

Municipality: BloomfieldCounty: Essex

Sponsor: \_\_\_\_\_

Developer: \_\_\_\_\_

Block: 481 Lot: 516 Street Address 2-10 MONTGOMERY ST. APT 7AFacility Name: EASTER SEAL SOCIETY OF NJ

## Type of Facility:

- ☐ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☒ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- ☐ Congregate living arrangement
- ☐ Other - Please Specify: \_\_\_\_\_

# of bedrooms occupied by low-income residents 3

# of bedrooms occupied by moderate-income residents \_\_\_\_\_

Separate bedrooms? ☒ Yes ☐ NoAffordability Controls? ☐ Yes ☒ No

Length of Controls: \_\_\_\_\_ years

Effective Date of Controls:   /  /  Expiration Date of Controls:   /  /  

Average Length of Stay: \_\_\_\_\_ months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes ☐ NoAge-restricted? ☒ Yes ☐ NoPopulation Served (describe): Severely and persistently Mentally IllAccessible (in accordance with NJ Barrier Free Subcode)? ☐ Yes ☒ No

## For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

- ☐ Capital funding from State - Amount \$ \_\_\_\_\_
- ☐ Balanced Housing - Amount \$ \_\_\_\_\_
- ☐ HUD - Amount \$ \_\_\_\_\_
- ☐ Federal Home Loan Bank - Amount \$ \_\_\_\_\_
- ☐ Farmers Home Administration - Amount \$ \_\_\_\_\_
- ☐ Development fees - Amount \$ \_\_\_\_\_
- ☐ Bank financing - Amount \$ \_\_\_\_\_
- ☐ Other - Please specify: \_\_\_\_\_

Are funding sources sufficient to complete project?

☐ Yes ☐ No

Residents qualify as low or moderate income?

☒ Yes ☐ No☐ CO Date:   /  /  

Indicate licensing agency:

☐ DDD ☐ DMHS ☐ DHSS ☐ DCAInitial License Date:   /  /  Current License Date:   /  /

Affirmative Marketing Strategy (check all that apply):

☐ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): \_\_\_\_\_

### **CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by:

William Gordon  
Project Administrator

8/10/06  
Date

Certified by:

\_\_\_\_\_  
Municipal Housing Liaison

\_\_\_\_\_  
Date

# **Council on Affordable Housing (COAH) Alternative Living Arrangement Survey**

Municipality: FLOOMFIELD County: ESSEX  
 Sponsor: \_\_\_\_\_ Developer: \_\_\_\_\_  
 Block: 287 Lot: 9 Street Address: 121 LIBERTY ST.  
 Facility Name: PROJECT LIVE INC.

## Type of Facility:

- ☐ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☒ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)
- ☐ Congregate living arrangement
- ☐ Other - Please Specify: \_\_\_\_\_

# of bedrooms occupied by low-income residents 5

# of bedrooms occupied by moderate-income residents 0

Separate bedrooms? ☐ Yes ☒ No 1 shared

Affordability Controls? ☐ Yes ☒ No

Length of Controls: n/a years

Effective Date of Controls: n/a

Expiration Date of Controls: n/a

Average Length of Stay: n/a months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☒ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes ☐ No

Age-restricted? ☒ Yes ☐ No

Population Served (describe): \_\_\_\_\_

Accessible (in accordance with NJ Barrier Free Subcode)? ☐ Yes ☒ No n/a

For proposed new construction projects on y.

Sources of funding committed to the project (check all that apply):

- ☐ Capital funding from State - Amount \$ \_\_\_\_\_
- ☐ Balanced Housing - Amount \$ \_\_\_\_\_
- ☐ HUD - Amount \$ \_\_\_\_\_
- ☐ Federal Home Loan Bank - Amount \$ \_\_\_\_\_
- ☐ Farmers Home Administration - Amount \$ \_\_\_\_\_
- ☐ Development fees - Amount \$ \_\_\_\_\_
- ☐ Bank financing - Amount \$ \_\_\_\_\_
- ☐ Other - Please specify: \_\_\_\_\_

Are funding sources sufficient to complete project?  
☐ Yes ☐ No

Residents qualify as low or moderate income?

☒ Yes ☐ No

☐ CO Date: 5/24/06

Indicate licensing agency:

☐ DDD ☒ DMHS ☐ DHSS ☐ DCA

Initial License Date: 7/1/97

Current License Date: 5/24/06

Affirmative Marketing Strategy (check all that apply):

☒ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): \_\_\_\_\_

### CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by:

Sylvia Porter  
Project Administrator

7/25/06  
Date

Certified by:

\_\_\_\_\_  
Municipal Housing Liaison

\_\_\_\_\_  
Date

Licence Number: 30219-G45-10-40

*State of New Jersey  
Department of Human Services*

# *License*

*Project Live, Inc.  
408 Bloomfield Avenue  
Newark, NJ 07107*

*In accordance with Department of Human Services regulations N.J.A.C. 10:37 A,  
is hereby licensed to operate*

*Adult Group Home •  
for 5 Residents  
at  
121 Liberty Street  
Bloomfield, NJ 07003*

*This license is effective from May 24, 2006 to May 23, 2007.*



*Kevin M. Ryan, Commissioner*



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PURCHASE MONEY MORTGAGE  
(G89-01-01)

1017678  
MORTGAGE made this 4th date of April, 2003  
between the Mortgagor, Project Live, Inc., 408 Bloomfield Avenue, Newark, NJ 07107,  
and the Mortgagee, the State of New Jersey, Department of Human Services, Capital  
Place One, CN 700, Trenton, New Jersey 08625.

WHEREAS the Mortgagor is indebted to the Mortgagee in the sum of Two  
Hundred Sixty-Two Thousand Five Hundred Ninety-Nine dollars (\$262,599), which  
indebtedness is evidenced by a Promissory Note dated April 4, 2003, and by a  
certain Agreement dated September 12, 2001, and amended on November 21, 2001,  
and April 4, 2003.

THEREFORE to secure the indebtedness of \$ 262,599 lawful money  
of the United States, to be paid in accordance with the aforesaid Agreement, the  
Mortgagor does hereby mortgage the following described property located in the  
Township of Bloomfield, County of Essex, State of New Jersey, and more  
particularly described in Exhibit A annexed hereto and made a part hereof, the aforesaid  
property being designated as Block 287, Lot 9, on the tax map of said  
Township of Bloomfield, and having a street address of 121 Liberty Street

Upon default by the Mortgagor in the performance of any term, provision or  
requirement of the aforesaid Agreement of September 12, 2001, and as amended, or  
upon no-fault termination of said Agreement pursuant to Section 8.01 thereof, the entire  
amount of this mortgage shall, at the option of the Mortgagee, immediately become due  
and payable. Alternatively, upon Mortgagor default or upon no-fault termination of the

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Agreement of September 12, 2001, and as amended, the Mortgagee may exercise other options as set forth in Section 5.02 of said Agreement.

The Mortgagor agrees that if default shall be made in any term, provision or requirement of the Agreement of September 12, 2001, and as amended, the Mortgagee shall have the right forthwith, after any such default, to enter upon and take possession of the said mortgaged premises and to operate same in accordance with the aforesaid Agreement.

The Mortgagor shall keep the building or buildings and improvements now on said premises, or that may hereafter be erected thereon, in good and substantial repair, and, upon failure to do so, the whole indebtedness secured and represented by this mortgage and the note accompanying same shall, at the option of the Mortgagee, become immediately due and payable; and also the Mortgagee may enter upon the premises and repair and keep in repair the same, and the expense thereof shall be added to the sum secured hereby.

In the event that the aforesaid property is condemned, the proceeds of any award for damages, direct as well as consequential, or the proceeds of any conveyance in lieu of condemnation, are hereby assigned and shall be paid to the Mortgagee.



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IN WITNESS HEREOF, the Mortgagor has hereto set its hand and seal the day and year first written above.

Project Live, Inc.  
Agency Name (Mortgagor)

BY:

Rev. Robert Cormier L.S.  
President

ATTEST:

Secretary - Allen Lambly L.S.

State of New Jersey, County of Essex ss.: Be it Remembered, that on April 4, 2003, before me, the subscriber, personally appeared Rev. Robert Cormier + Allen Lambly who, being by me duly sworn on his/her oath, deposes and makes proof to my satisfaction, that he is the Secretary of Project Live, Inc., the agency named in the within Instrument; that Rev. Robert Cormier is the chief executive officer of said agency; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the governing body of the said agency; that deponent well knows the seal of said agency; and that the seal affixed to said Instrument is the proper seal and was thereto affixed and said Instrument signed and delivered by said chief executive officer as and for the voluntary act and deed of said agency, in the presence of deponent, who thereupon subscribed his/her name thereto as attesting witness.

Sworn to and subscribed before me,  
the date aforesaid.

Prepared by:

Jeffrey R. Kuschner  
An Attorney at Law  
of the State of N.J.

Carmel Macchia  
CARMEL MACCHIA

A Notary Public Of New Jersey  
My Commission Expires 7/2/2007

**Council on Affordable Housing (COAH)  
Alternative Living Arrangement Survey**

Municipality: Bloomfield County: Essex  
Sponsor: \_\_\_\_\_ Developer: \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Street Address: 694 East Passaic Ave  
Facility Name: The Center for Family Support

Type of Facility:

- ☒ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))  
☐ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS)  
☐ Transitional facility for the homeless  
☐ Residential health care facility (licensed by NJ Dept. of Community Affairs or NJ Dept. of Human Services)  
☐ Congregate living arrangement  
☐ Other - Please Specify: \_\_\_\_\_

# of bedrooms occupied by low-income residents 5

# of bedrooms occupied by moderate-income residents \_\_\_\_\_

Separate bedrooms? ☒ Yes ☐ No

Affordability Controls? ☐ Yes ☒ No

Length of Controls: \_\_\_\_\_ years

Effective Date of Controls: 1/1/

Expiration Date of Controls: 1/1/

Average Length of Stay: \_\_\_\_\_ months (transitional facilities only)

The following verification is attached:

- ☐ Copy of deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)  
☐ Copy of Capital Application Funding Unit (CAFU) Letter (20-year minimum, no deed restriction required)  
☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes ☐ No

Age-restricted? ☒ Yes ☐ No

Population Served (describe): Mentally retarded adult men

Accessible (in accordance with NJ Barrier Free Subcode)? ☐ Yes ☒ No

For proposed new construction projects only:

Sources of funding committed to the project (check all that apply):

- ☐ Capital funding from State - Amount \$ \_\_\_\_\_  
☐ Balanced Housing - Amount \$ \_\_\_\_\_  
☐ HUD - Amount \$ \_\_\_\_\_  
☐ Federal Home Loan Bank - Amount \$ \_\_\_\_\_  
☐ Farmers Home Administration - Amount \$ \_\_\_\_\_  
☐ Development fees - Amount \$ \_\_\_\_\_  
☐ Bank financing - Amount \$ \_\_\_\_\_  
☐ Other - Please specify: \_\_\_\_\_

Are funding sources sufficient to complete project?  
☐ Yes ☐ No

Residents qualify as low or moderate income?

☒ Yes ☐ No

☐ CO Date: 6/11/02

Indicate licensing agency:

☒ DDD ☐ DMHS ☐ DHSS ☐ DCA

Initial License Date: 7/25/02

Current License Date: 12/31/06

Affirmative Marketing Strategy (check all that apply):

☒ DDD/DMHS/DHSS/DCA waiting list

☐ Other (please specify): \_\_\_\_\_

**CERTIFICATIONS**

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by:   
Project Administrator

7/27/06  
Date

Certified by: \_\_\_\_\_  
Municipal Housing Liaison

\_\_\_\_\_  
Date

## DRAFT Escrow Agreement for Housing Trust Fund

**NOTE:** *In order for COAH to execute a three-party escrow agreement, the municipality must submit three copies of the agreement, all with original signatures from the municipal representative and the bank representative.*

This Escrow Agreement made this \_\_\_\_\_ day of [month], [year], by and between the Council on Affordable Housing (COAH) and Bloomfield and [insert name of bank] (the Bank).

**WHEREAS**, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

**WHEREAS**, on [insert date of approval] COAH approved the Bloomfield Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of Bloomfield's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

**WHEREAS**, on [insert date] the governing body of Bloomfield adopted Ordinance No. [insert number], the Development Fee Ordinance of Bloomfield, amending the Municipal Code; and

**WHEREAS**, COAH has not yet approved a spending plan for Bloomfield, Bloomfield acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

**WHEREAS**, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached

development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

**WHEREAS**, COAH's approval of the Development Fee Ordinance further requires Bloomfield, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

**WHEREAS**, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

**NOW THEREFORE**, COAH, Bloomfield and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and Bloomfield hereby designate *[insert name of bank]* (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by Bloomfield, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the *[insert title of municipal officer]* of Bloomfield consistent with the spending plan approved by COAH.

2. Escrow Account

Bloomfield shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as *[insert name of account]* (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from Bloomfield. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by Bloomfield or any other party, (b) any other obligation owed to the escrow agent by Bloomfield or any other party, or (c) any claim which the escrow agent may have against Bloomfield or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of Bloomfield as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the *[insert title of municipal officer]* of Bloomfield, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by Bloomfield from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to Bloomfield, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by Bloomfield until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of Bloomfield. COAH shall provide the Bloomfield municipal clerk and chief financial officer with copies of all written notices.



In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of Bloomfield and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Bloomfield's affordable housing program on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

#### 5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. Bloomfield shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.



6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and Bloomfield, or their respective designees, at any reasonable time. Bloomfield shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH:                      Executive Director  
New Jersey Council on Affordable Housing  
101 South Broad Street  
PO Box 813  
Trenton, NJ 08625-0813
- b. If to Municipality:            Municipal Clerk and Chief Financial Officer  
   1 Municipal Plaza  
   Bloomfield, NJ 07003 \_\_\_\_\_  
   \_\_\_\_\_
- c. If to Bank:                      [insert address]  
   \_\_\_\_\_  
   \_\_\_\_\_

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the date set forth above.

<hr/> Date	<hr/> [insert name], on behalf of Bloomfield
------------	--

<hr/> Date	<hr/> Lucy Vandenberg, Executive Director on behalf of the New Jersey Council on Affordable Housing (COAH)
------------	--

<hr/> Date	<hr/> [insert name], on behalf of [insert name of bank]
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**TOWNSHIP OF BLOOMFIELD**

**ORDINANCE NO. \_\_\_\_\_**

**AN INCLUSIONARY ZONING ORDINANCE TO FACILITATE THE  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING REVISED  
ROUND THREE GROWTH SHARE RULES IN CONNECTION WITH  
RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT**

---

**WHEREAS**, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975) ("Mount Laurel I"); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low- and moderate-income households; and

**WHEREAS**, the Legislature conferred upon the New Jersey Council on Affordable Housing ("COAH") "primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State." (N.J.S.A. 52:27D-304 (a)); and

**WHEREAS**, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities that the Court had created through "inclusionary devices" and rejected the notion "that inclusionary measures amount to a taking without compensation." (see Mount Laurel II at 271); and

**WHEREAS**, in Mount Laurel II, the New Jersey Supreme Court also stated, "[z]oning does not require that land be used for maximum profitability and, on occasion, the goals may require something less." (see Mount Laurel II at 274 n. 34); and

**WHEREAS**, COAH promulgated regulations governing the municipal fair-share obligation during 1987 to 1993 (Round One); 1993 to 1999 (Round Two); and 1999 to 2014 (Round Three); and

**WHEREAS**, COAH delayed promulgation of its Round Three regulations until December 2004, which regulations introduced the concept of "growth share," a methodology requiring that each municipality's provision of affordable housing coincide with its obligation generated by actual residential and non-residential growth, rather than assigning a specific numerical obligation to the Township of Bloomfield as had occurred with the regulations pertaining to the prior rounds; and

**WHEREAS**, the Round Three regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

**WHEREAS**, on May 6, 2008, COAH voted to adopt revised Round Three regulations in response to the Appellate Division's decision, In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

**WHEREAS**, the revised Round Three regulations are effective June 2, 2008; and

**WHEREAS**, the revised Round Three regulations, as adopted, increase housing need statewide for low- and moderate-income households from 52,000 units (under the prior Round Three regulations from 1999 to 2014) to 115,000 (under the revised Round Three regulations from 1999 to 2018) and, *inter alia*, require residential developers to construct one (1) affordable housing unit for every four (4) market-rate residential units projected to be constructed (N.J.A.C. 5:94-2.4 (a)(2)); and

**WHEREAS**, on July 17, 2008, Governor Corzine signed the “Statewide Non-residential Development Fee Act,” P.L. 2008, c.46, into law; and

**WHEREAS**, the Statewide Non-residential Development Fee Act generally precludes municipalities from imposing affordable housing requirements on non-residential developers and instead requires the uniform assessment of a development fee in the amount of two and one-half percent (2.5%) of equalized assessed value; and

**WHEREAS**, the Township of Bloomfield wishes to ensure that as developers build residential and non-residential projects, they address affordable housing in a manner consistent with statutory law, COAH’s regulations and policies described above, policies soundly rooted in New Jersey Supreme Court precedent;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Bloomfield, County of Essex, State of New Jersey as follows:

**Section 1. Affordable Housing.**

- A. Purpose. The purpose of this Ordinance is to facilitate the provision of affordable housing in connection with residential and non-residential development in compliance with the requirements of statutory law and COAH’s Revised Round Three Rules, as same may be amended from time to time.
- B. Definitions.
  - (1) “Affordable” shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
  - (2) Any references to “affordable housing unit(s)” shall mean residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.
  - (3) “Household” shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
  - (4) “Low-income” shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

- (5) "Mixed use development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
  - (6) "Moderate-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
  - (7) "Non-residential development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
- C. Applicability. This Ordinance sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township.

This Ordinance shall not apply to any parcel within the Township which would not accommodate five (5) or more dwelling units where the zoning would require a twenty percent (20%) set-aside. Pursuant to N.J.A.C. 5:97-6.4 (b)7., this Ordinance shall apply to any parcel within the Township which would accommodate five (5) or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty percent (20%) set-aside.

## **Section 2. Zoning for Inclusionary Development**

- A. Residential Growth Share Provisions.
- (1) Quantification of Affordable Housing Obligation for Residential Developers. In those circumstances where a developer seeks to develop land for residential purposes, with projects of five (5) or more units, said developer shall provide and develop on-site one (1) affordable housing unit for every four (4) market-rate residential units constructed (20 percent). Residential developers shall fully integrate the affordable housing units with the market-rate residential units. As an alternative to providing the required affordable housing unit(s) on-site, a developer shall have the option of either (i) providing the required affordable housing unit(s) elsewhere in the Township; or (ii) making a payment in lieu pursuant to section 5 of this Ordinance.
  - (2) Projects Financed with State Funds. Notwithstanding anything in this Ordinance to the contrary, a developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not limited to, transit villages designated by the Department of Transportation, units constructed on State-owned property, and urban transit hubs as defined pursuant to N.J.S.A. 34:1B-208, shall reserve at least twenty percent (20%) of the residential units constructed for occupancy by low- or moderate-income households with affordability controls as required under the rules of COAH. Any such project shall be otherwise excluded from the provisions of this Ordinance, except that any such project which also consists of non-residential development shall not be excluded from section 2.(B) of this Ordinance.

- B. Statewide Non-residential Development Fee Program. This provision is intended to facilitate the requirements of the statewide non-residential development fee program created by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7. Pursuant to the Statewide Non-residential Development Fee Act at N.J.S.A. 40:55D-8.4, a fee is imposed on all construction resulting in non-residential development as follows:
- a. A fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or
  - b. A fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.
  - c. A developer of a mixed use development shall be required to pay the Statewide non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions of N.J.S.A. 52:27D-329.1, et seq.
  - d. Pursuant to N.J.S.A. 40:55D-8.4, the developer must pay such fee to the Treasurer of the State of New Jersey. A certificate of occupancy for the subject non-residential development will not issue unless and until the Treasurer of the State of New Jersey has furnished the Township of Bloomfield with certified proof concerning the payment.
  - e. Upon COAH authorization, and notwithstanding section 2(B)d. of this Ordinance, the developer shall pay such fee such directly to the Township rather than to the Treasurer of the State of New Jersey.
  - f. This section 2.B shall not apply to any project which is exempt from the Statewide Non-residential Development Fee Act pursuant to N.J.S.A. 40:55D-8.4, or to which the Statewide Non-residential Development Fee Act does not apply, as determined in accordance with N.J.S.A. 40:55D-8.6.

C. Mixed Use Growth Share Provisions.

- (1) For all mixed use development, the affordable housing requirements for the residential component of the project is set forth in section 2.A(1) of this Ordinance.
- (2) For all mixed use development, the affordable housing requirements for the non-residential component of the project is set forth in section 2(B) of this Ordinance.

**Section 3. Density and Affordable Housing Set-Asides**

- A. Density and Affordable Housing Set-Aside Standards. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the minimum gross density, and the affordable housing set-aside for any residential development shall be as follows:

- (1) Minimum Gross Density. Eight (8) units per acre.
- (2) Affordable Housing Set-Aside. Twenty percent (20%) of the total number of units in the development shall be affordable to low- and moderate income households.

**Section 4. Financial Incentives.**

- A. The Township intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Township may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

**Section 5. Payment In Lieu**

- A. Pursuant to section 2A(1) of this Ordinance, and upon COAH authorization, a developer may elect to make payment to the Township in lieu of constructing the required affordable housing units subject to the following:
  - (1) The developer shall make such payment to the Township in the amount of \$148,683.00 per each affordable housing unit required.
  - (2) The affordable housing requirements set forth in this Ordinance shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to section 2 of this Ordinance results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Township shall be prorated.
  - (3) Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4.
  - (4) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by COAH of the Township's Development Fee ordinance, zoning that does not require an affordable housing set-aside or payment in lieu shall be subject to the Township's Development Fee Ordinance.

**Section 6. Schedule.** Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-Rate Units	Minimum Percentage of Low- and Moderate-Income Units
<u>Completed</u>	<u>Completed</u>
25	0
25 + 1 unit	10
50	50
75	75
90	100

**Section 7. Design**

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.



- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market units within the inclusionary development.
- D. The first floor of all of all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.
- F. The following documentation shall be submitted prior to marketing the completed units:
  - (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
  - (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
  - (3) Designation of an experienced administrative agent, including a statement of his/her qualifications, in accordance with N.J.A.C. 5:95-18.

**Section 8. Codification.** This Ordinance may be renumbered for codification purposes.

**Section 9. Severability.** All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

I hereby certify that this Ordinance was duly adopted by the Township Council of the Township of Bloomfield at a meeting of said Township Council held on \_\_\_\_\_, 2008

\_\_\_\_\_  
Louise Palagano, Municipal Clerk of the Township of Bloomfield

I hereby approve this Ordinance.

\_\_\_\_\_  
Mayor Raymond McCarthy

**ROLL CALL VOTE**

MAYOR & COUNCIL	YES	NO	ABSTAIN	ABSENT
COUNCILWOMAN MALY				
COUNCILMAN TAMBORINI				
COUNCILWOMAN RITCHINGS				
COUNCILMAN HAMILTON				
COUNCILWOMAN SPYCHALA				
COUNCILWOMAN BAKER				
MAYOR McCARTHY				



TOWNSHIP OF BLOOMFIELD

ORDINANCE NO. \_\_\_\_

**AN INCLUSIONARY ZONING ORDINANCE TO FACILITATE THE  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING REVISED  
ROUND THREE GROWTH SHARE RULES IN CONNECTION WITH  
RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT**

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**WHEREAS**, the New Jersey Supreme Court and New Jersey Legislature have recognized in So. Burlington Co. NAACP v. Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”); So. Burlington Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”) and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) that New Jersey municipalities have responsibilities concerning the need to provide affordable housing for low- and moderate-income households; and

**WHEREAS**, the Legislature conferred upon the New Jersey Council on Affordable Housing (“COAH”) “primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.” (N.J.S.A. 52:27D-304 (a)); and

**WHEREAS**, in Mount Laurel II, the New Jersey Supreme Court ruled that municipalities had the power to address the Mount Laurel responsibilities that the Court had created through “inclusionary devices” and rejected the notion “that inclusionary measures amount to a taking without compensation.” (see Mount Laurel II at 271); and

**WHEREAS**, in Mount Laurel II, the New Jersey Supreme Court also stated, “[z]oning does not require that land be used for maximum profitability and, on occasion, the goals may require something less.” (see Mount Laurel II at 274 n. 34); and

**WHEREAS**, COAH promulgated regulations governing the municipal fair-share obligation during 1987 to 1993 (Round One); 1993 to 1999 (Round Two); and 1999 to 2014 (Round Three); and

**WHEREAS**, COAH delayed promulgation of its Round Three regulations until December 2004, which regulations introduced the concept of “growth share,” a methodology requiring that each municipality’s provision of affordable housing coincide with its obligation generated by actual residential and non-residential growth, rather than assigning a specific numerical obligation to the Township of Bloomfield as had occurred with the regulations pertaining to the prior rounds; and

**WHEREAS**, the Round Three regulations were challenged by various parties and they were invalidated, in part, by the Appellate Division in In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

**WHEREAS**, on May 6, 2008, COAH voted to adopt revised Round Three regulations in response to the Appellate Division’s decision, In Re Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007); and

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**WHEREAS**, the revised Round Three regulations are effective June 2, 2008; and

**WHEREAS**, the revised Round Three regulations, as adopted, increase housing need statewide for low- and moderate-income households from 52,000 units (under the prior Round Three regulations from 1999 to 2014) to 115,000 (under the revised Round Three regulations from 1999 to 2018) and, *inter alia*, require residential developers to construct one (1) affordable housing unit for every four (4) market-rate residential units projected to be constructed (N.J.A.C. 5:94-2.4 (a)(2)); and

**WHEREAS**, on July 17, 2008, Governor Corzine signed the "Statewide Non-residential Development Fee Act," P.L. 2008, c.46, into law; and

**WHEREAS**, the Statewide Non-residential Development Fee Act generally precludes municipalities from imposing affordable housing requirements on non-residential developers and instead requires the uniform assessment of a development fee in the amount of two and one-half percent (2.5%) of equalized assessed value; and

**WHEREAS**, the Township of Bloomfield wishes to ensure that as developers build residential and non-residential projects, they address affordable housing in a manner consistent with statutory law, COAH's regulations and policies described above, policies soundly rooted in New Jersey Supreme Court precedent;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Bloomfield, County of Essex, State of New Jersey as follows:

**Section 1. Affordable Housing.**

A. Purpose. The purpose of this Ordinance is to facilitate the provision of affordable housing in connection with residential and non-residential development in compliance with the requirements of statutory law and COAH's Revised Round Three Rules, as same may be amended from time to time.

B. Definitions.

(1) "Affordable" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

5 (2) Any references to "affordable housing unit(s)" shall mean residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.

(3) "Household" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

(4) "Low-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.

- (5) "Mixed use development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.
- (6) "Moderate-income" shall have the same meaning as that provided by the rules promulgated pursuant to the FHA, as same may be amended from time to time.
- (7) "Non-residential development" shall have the same meaning as that provided by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as same may be amended from time to time.

C. Applicability. This Ordinance sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township.

This Ordinance shall not apply to any parcel within the Township which would not accommodate five (5) or more dwelling units where the zoning would require a twenty percent (20%) set-aside. Pursuant to N.J.A.C. 5:97-6.4 (b)7., this Ordinance shall apply to any parcel within the Township which would accommodate five (5) or more dwelling units as a result of a "d" variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a twenty percent (20%) set-aside.

## **Section 2. Zoning for Inclusionary Development**

### **A. Residential Growth Share Provisions.**

- (1) Quantification of Affordable Housing Obligation for Residential Developers. In those circumstances where a developer seeks to develop land for residential purposes, with projects of five (5) or more units, said developer shall provide and develop on-site one (1) affordable housing unit for every four (4) market-rate residential units constructed (20 percent). Residential developers shall fully integrate the affordable housing units with the market-rate residential units. As an alternative to providing the required affordable housing unit(s) on-site, a developer shall have the option of either (i) providing the required affordable housing unit(s) elsewhere in the Township; or (ii) making a payment in lieu pursuant to section 5 of this Ordinance.
- (2) Projects Financed with State Funds. Notwithstanding anything in this Ordinance to the contrary, a developer of a project consisting of newly-constructed residential units being financed in whole or in part with State funds, including, but not limited to, transit villages designated by the Department of Transportation, units constructed on State-owned property, and urban transit hubs as defined pursuant to N.J.S.A. 34:1B-208, shall reserve at least twenty percent (20%) of the residential units constructed for occupancy by low- or moderate-income households with affordability controls as required under the rules of COAH. Any such project shall be otherwise excluded from the provisions of this Ordinance, except that any such project which also consists of non-residential development shall not be excluded from section 2.(B) of this Ordinance.

B. Statewide Non-residential Development Fee Program. This provision is intended to facilitate the requirements of the statewide non-residential development fee program created by the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7. Pursuant to the Statewide Non-residential Development Fee Act at N.J.S.A. 40:55D-8.4, a fee is imposed on all construction resulting in non-residential development as follows:

- a. A fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots; or
- b. A fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value, of the additions to existing structures to be used for non-residential purposes.
- c. A developer of a mixed use development shall be required to pay the Statewide non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions of N.J.S.A. 52:27D-329.1, et seq.
- d. Pursuant to N.J.S.A. 40:55D-8.4, the developer must pay such fee to the Treasurer of the State of New Jersey. A certificate of occupancy for the subject non-residential development will not issue unless and until the Treasurer of the State of New Jersey has furnished the Township of Bloomfield with certified proof concerning the payment.
- e. Upon COAH authorization, and notwithstanding section 2(B)d. of this Ordinance, the developer shall pay such fee such directly to the Township rather than to the Treasurer of the State of New Jersey.
- f. This section 2.B shall not apply to any project which is exempt from the Statewide Non-residential Development Fee Act pursuant to N.J.S.A. 40:55D-8.4, or to which the Statewide Non-residential Development Fee Act does not apply, as determined in accordance with N.J.S.A. 40:55D-8.6.

C. Mixed Use Growth Share Provisions.

- (1) For all mixed use development, the affordable housing requirements for the residential component of the project is set forth in section 2.A(1) of this Ordinance.
- (2) For all mixed use development, the affordable housing requirements for the non-residential component of the project is set forth in section 2(B) of this Ordinance.

### **Section 3. Density and Affordable Housing Set-Asides**

A. Density and Affordable Housing Set-Aside Standards. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the minimum gross density, and the affordable housing set-aside for any residential development shall be as follows:

- (1) Minimum Gross Density. Eight (8) units per acre.
- (2) Affordable Housing Set-Aside. Twenty percent (20%) of the total number of units in the development shall be affordable to low- and moderate income households.

**Section 4. Financial Incentives.**

- A. The Township intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Township may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

**Section 5. Payment In Lieu**

- A. Pursuant to section 2A(1) of this Ordinance, and upon COAH authorization, a developer may elect to make payment to the Township in lieu of constructing the required affordable housing units subject to the following:
  - (1) The developer shall make such payment to the Township in the amount of \$148,683.00 per each affordable housing unit required.
  - (2) The affordable housing requirements set forth in this Ordinance shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to section 2 of this Ordinance results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Township shall be prorated.
  - (3) Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4.
  - (4) Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by COAH of the Township's Development Fee ordinance, zoning that does not require an affordable housing set-aside or payment in lieu shall be subject to the Township's Development Fee Ordinance.

**Section 6. Schedule.** Affordable housing units shall be built in accordance with the following schedule:

Percentage of Market-Rate Units <u>Completed</u>	Minimum Percentage of Low- and Moderate-Income Units <u>Completed</u>
25	0
25 + 1 unit	10
50	50
75	75
90	100

**Section 7. Design**

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.

- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market units within the inclusionary development.
- D. The first floor of all of all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-3.14.
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9 and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.
- F. The following documentation shall be submitted prior to marketing the completed units:
- (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
  - (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
  - (3) Designation of an experienced administrative agent, including a statement of his/her qualifications, in accordance with N.J.A.C. 5:95-18.

**Section 8. Codification.** This Ordinance may be renumbered for codification purposes.

**Section 9. Severability.** All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

I hereby certify that this Ordinance was duly adopted by the Township Council of the Township of Bloomfield at a meeting of said Township Council held on \_\_\_\_\_, 2008

\_\_\_\_\_  
Louise Palagano, Municipal Clerk of the Township of Bloomfield

I hereby approve this Ordinance.

\_\_\_\_\_  
Mayor Raymond McCarthy

**ROLL CALL VOTE**

MAYOR & COUNCIL	YES	NO	ABSTAIN	ABSENT
COUNCILWOMAN MALY				
COUNCILMAN TAMBORINI				
COUNCILWOMAN RITCHINGS				
COUNCILMAN HAMILTON				
COUNCILWOMAN SPYCHALA				
COUNCILWOMAN BAKER				
MAYOR McCARTHY				





# DRAFT Development Fee Ordinance

## 1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

## 2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) Bloomfield shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

## 3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary

development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 4. Residential Development fees

- a) Imposed fees
  - i. Within the *[insert name of zoning]* district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of *[insert number - maximum of one and a half percent]* percent of the equalized assessed value for residential development provided no increased density is permitted.
  - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of *[insert specific number – maximum of six percent]* percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
  - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - iii. *[optional]* Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - iv. *[optional]* Developers of *[specific types of residential development, for example developments with one or two owner-occupied dwelling units, residential structures demolished and replaced as a result of a natural disaster, green buildings etc.]* shall be *[select only one of the following: exempt from paying a development fee, or subject to a reduced fee of X percent]*.
  - v. *[optional]* Within the *[name of zoning district(s) or area(s), e.g. TOD District, Revenue Allocation District, Historic District, etc.]*, residential developers shall be exempt from paying a development fee.

## **5. Non-residential Development fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to

two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
  - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-

residential development fees under these circumstances may be enforceable by [*insert municipality*] as a lien against the real property of the owner.

## **6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official [**OR** *insert title of designated municipal official*] responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should [*insert municipality*] fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) [*select one of the following paragraphs:*]

The developer shall pay 100 percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

**OR**

Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

- 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Bloomfield. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Bloomfield. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**7. Affordable Housing trust fund**

a) *[select one of the following paragraphs:]*

There is hereby created a separate, interest-bearing housing trust fund to be maintained by the [*chief financial officer or insert municipal employee title*] for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

**OR**

Upon approval by COAH and by the Division of Local Government Services, *[insert name of municipality]* shall invest development fee revenue and proceeds from the sale of units with extinguished controls into the State of New Jersey Cash Management Fund, provided that the funds in the Cash Management account that comprise the deposits and income attributable to such deposits shall at all times be identifiable.

- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - 1. payments in lieu of on-site construction of affordable units;
  - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - 3. rental income from municipally operated units;
  - 4. repayments from affordable housing program loans;
  - 5. recapture funds;
  - 6. proceeds from the sale of affordable units; and
  - 7. any other funds collected in connection with *[insert municipal name]*'s affordable housing program.
- c) Within seven days from the opening of the trust fund account, Bloomfield shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, *the bank*, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

## **8 Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address Bloomfield's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.



- b) Funds shall not be expended to reimburse Bloomfield for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Bloomfield may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

## **9. Monitoring**

- a) Bloomfield shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing

affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Bloomfield's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

**10. Ongoing collection of fees**

- a) The ability for Bloomfield to impose, collect and expend development fees shall expire with its substantive certification unless Bloomfield has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Bloomfield fails to renew its ability to impose and collect development fees prior to the expiration of *substantive certification*, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Bloomfield shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Bloomfield retroactively impose a development fee on such a development. Bloomfield shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

**DRAFT Governing Body Resolution Requesting  
Review and Approval of Development Fee Ordinance**

**WHEREAS**, the Governing Body of Bloomfield Township, Essex County petitioned the Council on Affordable Housing (COAH) for substantive certification on \_\_\_\_\_; and

**WHEREAS**, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

**WHEREAS**, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d) ;
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

**WHEREAS**, Bloomfield Township has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Bloomfield Township, Essex County requests that COAH review and approve Bloomfield's development fee ordinance.

\_\_\_\_\_  
*[insert name]*  
Municipal Clerk

# Council on Affordable Housing

## DRAFT Affordable Housing Trust Fund Spending Plan

### INTRODUCTION

Bloomfield Township, Essex County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on \_\_\_\_\_ and adopted by the municipality on \_\_\_\_\_. The ordinance establishes the Bloomfield Township affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Bloomfield Township has collected \$ 0, expended \$ 0, resulting in a balance of \$ 0. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in (insert Bank name) for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

### **1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the period of third round substantive certification, Bloomfield Township considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: \$0

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and [*insert name of other fund(s)*]. \$0

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. \$

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018										
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018 Total
(a) Development fees:											
1. Approved Development											
2. Development Pending Approval											
3. Projected Development											
(b) Payments in Lieu of Construction											
(c) Other Funds (Specify source(s))											
(d) Interest											
<b>Total</b>											

Bloomfield projects a total of \$ in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Bloomfield Township:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Bloomfield's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

**The affordable housing liaison instructs the CFO to release a certain amount of funding to a recipient entity.**

## 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

*Bloomfield* will dedicate up to \$ plus administration to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

**Rehabilitation program:** up to \$

**New construction project(s):** \$

1.

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through November 19,2008		\$
Actual interest earned through 7/17/2008	+	\$
Development fees projected* 2008-2018	+	\$
Interest projected* 2008-2018	+	\$
Less housing activity expenditures through 2018	-	\$
<b>Total</b>	=	\$
30 percent requirement	x 0.30 =	\$
Less Affordability assistance expenditures through 12/31/2004	-	\$
<b>PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018</b>	=	\$
<b>PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018</b>	÷ 3 =	\$

\* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

*Bloomfield Township* will dedicate \$ from the affordable housing trust fund to render units more affordable, including \$ to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- 1.
- 2.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

*Bloomfield* projects that \$ will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

1. Payment to consultants to prepare amended plan
2. Payment to run rehab program





## **5. EXCESS OR SHORTFALL OF FUNDS**

Pursuant to the Housing Element and Fair Share Plan, the governing body of Bloomfield Township has adopted a resolution agreeing to fund any shortfall of funds required for implementing the rehab program, accessory apartment program and affordability assistance programs. In the event that a shortfall of anticipated revenues occurs, Bloomfield will adopt a resolution of intent to bond for the shortfall. The resolution is not yet adopted.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for an unnamed program to generate more credits, program administration and preparation of a fourth round plan.

## **6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with Bloomfield's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

*[Reference section of Affordable Housing Ordinance that explains the collection and distribution of barrier free funds.]*

## **SUMMARY**

*Bloomfield* intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated December 2, 2008.

*Bloomfield* has a balance of \$ as of November 19, 2008 and anticipates an additional \$ in revenues before the expiration of substantive certification for a total of \$. The municipality will dedicate \$ to rehabilitation program, \$ for affordability assistance to render units more affordable, and \$ to administrative costs. Any shortfall of funds will be offset by bonding. The municipality will dedicate any excess funds toward an unnamed program to generate more credits, program administration and preparation of a fourth round plan.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of November 19, 2008		\$
<b>PROJECTED REVENUE July 18, 2008-2018</b>		
Development fees	+	\$
Payments in lieu of construction	+	\$
Other funds	+	\$
Interest	+	\$
<b>TOTAL REVENUE</b>		
	=	\$
<b>EXPENDITURES</b>		
Funds used for Rehabilitation	-	\$
Funds used for New Construction		
1.	-	\$
2.	-	\$
3.	-	\$
4.	-	\$
5.	-	\$
6.	-	\$
7.	-	\$
8.	-	\$
9.	-	\$
10.	-	\$
Affordability Assistance	-	\$
Administration	-	\$
Excess Funds for Additional Housing Activity	=	\$
1. an unnamed program for more credits	-	\$
2. consultants	-	\$
3.	-	\$
<b>TOTAL PROJECTED EXPENDITURES</b>	=	\$
<b>REMAINING BALANCE</b>	=	\$

**DRAFT Governing Body Resolution Requesting  
Review and Approval of a Municipal Affordable  
Housing Trust Fund Spending Plan**

**WHEREAS**, the Governing Body of Bloomfield, Essex County petitioned the Council on Affordable Housing (COAH) for substantive certification on *(insert date)*; and

**WHEREAS**, Bloomfield received approval from COAH on *[insert date]* of its development fee ordinance; and

**WHEREAS**, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or *[insert any other funds collected in connection with your municipality's affordable housing program]*;

**WHEREAS**, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

**WHEREAS**, Bloomfield has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Bloomfield, Essex County requests that COAH review and approve Bloomfield's spending plan.

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*[insert name]*  
Municipal Clerk

DRAFT RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON
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**WHEREAS**, the Governing Body of Bloomfield Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on \_\_\_\_\_; and

**WHEREAS**, Bloomfield's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Bloomfield is required to appoint a Municipal Housing Liaison for the administration of Bloomfield's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, Bloomfield has amended Chapter *[insert number]* entitled *[insert title of Chapter in Code]* to provide for the appointment of a Municipal Housing Liaison to administer *[insert name of municipality]*'s affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Bloomfield in the County of Essex, and the State of New Jersey that *[insert name of municipal employee]* is hereby appointed by the Governing Body of Bloomfield as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections *[insert numbers]* of Bloomfield's *[insert name of code]* Code.

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*[insert name]*  
Municipal Clerk

DRAFT ORDINANCE CREATING THE POSITION of  
MUNICIPAL HOUSING LIAISON

*COAH requires that each certified municipality appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering its affordable housing program, including affordability controls and the Affirmative Marketing Plan, and, where applicable, supervising any contracting Administrative Agent. This model ordinance reflects the minimum requirements that may be required of a Municipal Housing Liaison.*

**ORDINANCE NO. \_\_\_\_\_ - \_\_\_\_\_**

**AN ORDINANCE TO CREATE THE POSITION OF  
MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF  
ADMINISTERING BLOOMFIELD'S AFFORDABLE  
HOUSING PROGRAM PURSUANT TO THE FAIR  
HOUSING ACT.**

**BE IT ORDAINED** by the Council of Bloomfield in the County of Essex and State of New Jersey that the following amendments be made to Chapter *[insert number]* of Bloomfield:

**Section 1. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of Bloomfield's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**MUNICIPAL HOUSING LIAISON** – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for *[insert name of municipality]*

**ADMINISTRATIVE AGENT** – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Bloomfield to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

**Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.**

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Bloomfield.

- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Bloomfield, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
  - (1) Serving as Bloomfield's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (2) Monitoring the status of all restricted units in Bloomfield's Fair Share Plan;
  - (3) Compiling, verifying, and submitting annual reports as required by COAH;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Bloomfield as described in F. below.
- D. Subject to approval by COAH, Bloomfield may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Bloomfield, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Bloomfield contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. *[Select only those tasks that are not delegated specifically to an approved Administrative Agent as part of a contract and will therefore be the responsibility of the Municipal Housing Liaison.]*
  - (1) Affirmative Marketing



- (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of *[insert name of municipality]* and the provisions of N.J.A.C. 5:80-26.15; and
  - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification
  - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of *[insert name of municipality]* when referring households for certification to affordable units.
- (3) Affordability Controls
  - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
  - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
  - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
  - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

- (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
  - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
  - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

#### **Section 4. Severability.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

#### **Section 5. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

#### **Section 6. Effective Date.**

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted: (Insert date)

ATTEST:

APPROVED:

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Municipal Clerk

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Xxxxxxxxxxxxxxxxxxxx

Mayor